

# SENATE BILL REPORT

## SHB 1395

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As Reported By Senate Committee On:  
Government Operations, April 4, 1997

**Title:** An act relating to the filling of vacancies in legislative and partisan county offices.

**Brief Description:** Clarifying procedures for filling vacancies.

**Sponsors:** House Committee on Government Administration (originally sponsored by Representatives D. Sommers, Sheldon, Gombosky, Dunn, Cairnes, Sterk, D. Schmidt, Mulliken, Boldt, Benson, McMorris, Murray, Tokuda, Scott and Regala).

**Brief History:**

**Committee Activity:** Government Operations: 3/27/97, 4/4/97 [DPA, DNP].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** Do pass as amended.

Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson and Haugen.

**Minority Report:** Do not pass.

Signed by Senators Horn, Patterson and Swanson.

**Staff:** Eugene Green (786-7405)

**Background:** Article II, Section 15, of the State Constitution, specifies how vacancies are filled in either house of the Legislature and in any partisan county elective office. No statutory provisions exist on this subject.

If a vacancy occurs in any partisan county elective office, or in a state legislative position with a legislative district that only includes territory located in a single county, the county legislative authority appoints a person to fill the vacancy by choosing an individual from a list of three nominees submitted by the county central committee of the party of the official whose position is vacant.

A legislative position from a legislative district including territory located in more than one county is referred to as a joint senator or a joint representative. If a vacancy occurs in a joint Senate or joint Representative position, the county legislative authorities of the counties in which the legislative district is located fill the vacancy by choosing an individual from a list of three nominees submitted by the state central committee of the party of the official whose position is vacant.

The authority to make an appointment is removed from the county legislative authority or authorities, and transferred to the Governor, if the appointment is not made within 60 days after the vacancy occurs. The Governor fills the vacancy by choosing an individual from the same list of three nominees within 30 days thereafter.

**Summary of Amended Bill:** Three nominees may be selected for a vacancy in a legislative position or partisan county elective position at any time after the legislator or county official submits a letter of resignation to the proper authority, whether the resignation becomes effective immediately or at a specified date in the future.

A precinct committee officer may vote on a nomination for such a vacancy only if he or she has been elected or appointed as a precinct committee officer by his or her respective political party at least 30 days prior to the election to determine the three nominees.

**Amended Bill Compared to Substitute Bill:** The House bill would have set procedures for: designating substitute precinct committee officers; the signing of attendance sheets before voting on nominations; and the time by which a precinct officer could arrive at a meeting and be allowed to vote on the nomination.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill will assure fairness in the process for filling vacancies.

**Testimony Against:** The bill is flawed and the state should not get involved in dictating procedures to the parties.

**Testified:** Representative Sommers, prime sponsor (pro); Daniel Norton, King County Democrats (con); Reed Davis, King County Republicans (con); Julian Saucedo, King County Democrats (con).