
SUBSTITUTE HOUSE BILL 2997

State of Washington

55th Legislature

1998 Regular Session

By House Committee on Government Administration (originally sponsored by Representatives D. Schmidt and Scott)

Read first time 02/05/98. Referred to Committee on .

1 AN ACT Relating to election procedures; and amending RCW 42.12.040,
2 42.12.070, and 29.15.150.

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

4 **Sec. 1.** RCW 42.12.040 and 1981 c 180 s 1 are each amended to read
5 as follows:

6 (1) Except as provided in subsection (2) or (3) of this section, if
7 a vacancy (~~occurs~~) in any partisan elective office in the executive
8 or legislative branches of state government (~~or in any~~), a partisan
9 county elective office in a noncharter county, a judicial office, or
10 the office of superintendent of public instruction occurs before the
11 fourth Tuesday prior to the primary for the next general election
12 following the occurrence of the vacancy, a successor shall be elected
13 to that office at that general election. Except during the last year
14 of the term of office, if such a vacancy occurs on or after the fourth
15 Tuesday prior to the primary for that general election, the election of
16 the successor shall occur at the next succeeding general election.

17 A successor will be elected at that general election to fill the
18 remainder of the unexpired term of office and will succeed the person,
19 if any, who was appointed to fill the vacancy. If needed, the election

1 officer with whom declarations of candidacy are filed for that office
2 shall open a three-day special filing period for persons to file for
3 the vacant office. The elected successor shall be eligible to take
4 office immediately and shall hold office for the remainder of the
5 unexpired term of office. ((This section shall not apply to any
6 vacancy occurring in a charter county which has charter provisions
7 inconsistent with this section.))

8 (2) A vacancy in the office of governor will be filled under
9 subsection (1) of this section, except that as provided in Article III,
10 section 10 of the state Constitution, an election to fill a vacancy in
11 the office of governor may only be held at a general election at least
12 thirty days after the date of the vacancy and in an even-numbered year,
13 two years after the commencement of the four-year term of office that
14 has become vacant.

15 (3) Where applicable, the filling of a vacancy in the office of
16 superior court judge will conform with the procedures of Article IV,
17 section 29 of the state Constitution, for election of persons to that
18 office.

19 **Sec. 2.** RCW 42.12.070 and 1994 c 223 s 1 are each amended to read
20 as follows:

21 A vacancy on an elected nonpartisan governing body of a special
22 purpose district where property ownership is not a qualification to
23 vote, and a vacancy in the office of mayor, any other nonjudicial
24 elective office, or on a governing body of a town, or a city other than
25 a first class city or a charter code city, shall be filled as follows
26 unless the provisions of law relating to the special district, town, or
27 city provide otherwise:

28 (1) Where one position is vacant, the remaining members of the
29 governing body shall appoint a qualified person to fill the vacant
30 position.

31 (2) Where two or more positions are vacant and two or more members
32 of the governing body remain in office, the remaining members of the
33 governing body shall appoint a qualified person to fill one of the
34 vacant positions, the remaining members of the governing body and the
35 newly appointed person shall appoint another qualified person to fill
36 another vacant position, and so on until each of the vacant positions
37 is filled with each of the new appointees participating in each
38 appointment that is made after his or her appointment.

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

6 (4) If a governing body fails to appoint a qualified person to fill
7 a vacancy within ninety days of the occurrence of the vacancy, the
8 authority of the governing body to fill the vacancy shall cease and the
9 county legislative authority of the county in which all or the largest
10 geographic portion of the city, town, or special district is located
11 shall appoint a qualified person to fill the vacancy.

12 (5) If the county legislative authority of the county fails to
13 appoint a qualified person within one hundred eighty days of the
14 occurrence of the vacancy, the county legislative authority or the
15 remaining members of the governing body of the city, town, or special
16 district may petition the governor to appoint a qualified person to
17 fill the vacancy. The governor may appoint a qualified person to fill
18 the vacancy after being petitioned if at the time the governor fills
19 the vacancy the county legislative authority has not appointed a
20 qualified person to fill the vacancy.

21 (6) As provided in RCW 29.15.190 and 29.21.410, each person who is
22 appointed shall serve until a qualified person assumes office who is
23 elected at the next general election ((at which a member of the
24 governing body)) in an odd-numbered year if an election to elect a
25 person to a full term for that office normally ((would be elected)) is
26 held in an odd-numbered year, or in an even-numbered year if an
27 election to elect a person to a full term for that office normally is
28 held in an even-numbered year, that occurs ((twenty-eight)) forty-five
29 or more days after the occurrence of the vacancy. If needed, the
30 election officer with whom declarations of candidacy are filed shall
31 open a three-day special filing ((periods shall be authorized as
32 provided in RCW 29.15.170 and 29.15.180 for qualified)) period for
33 persons to file for the vacant office. A primary shall be held to
34 nominate candidates if sufficient time exists to hold a primary and
35 more than two candidates file for the vacant office. Otherwise, a
36 primary shall not be held and the person receiving the greatest number
37 of votes shall be elected. The person elected shall be eligible to
38 take office immediately and serve the remainder of the unexpired term.

1 If an election for the position that became vacant would otherwise
2 have been held at this general election date, only one election to fill
3 the position shall be held and the person elected to fill the
4 succeeding term for that position shall be eligible to take office
5 immediately (~~when qualified as defined in RCW 29.01.135~~) and shall
6 (~~service~~) serve both the remainder of the unexpired term and the
7 succeeding term.

8 **Sec. 3.** RCW 29.15.150 and 1973 c 4 s 3 are each amended to read as
9 follows:

10 Whenever it (~~shall be~~) is necessary to hold a special election
11 during the general election in an odd-numbered year to fill an
12 unexpired term of any office (~~which~~) that is scheduled to be voted
13 upon for a full term in an even-numbered year, (~~no~~) a September
14 primary election shall not be held (~~in the odd-numbered year if~~) for
15 that office unless, after the last day allowed for candidates to
16 withdraw, (~~either~~) any of the following circumstances exist:

17 (1) (~~No more than one~~) The office to be filled is a partisan
18 office in the state executive or legislative branch of state government
19 and two or more candidates, without regard to political party, have
20 filed declarations of candidacy for the office to be filled; or

21 (2) The office to be filled is any other partisan office and two or
22 more candidates of (each) any qualified political party (has) have
23 filed (a) declarations of candidacy for the (same partisan) office
24 to be filled; or

25 (~~(2) No more than two~~) (3) The office to be filled is a
26 nonpartisan office and three or more candidates have filed (a)
27 declarations of candidacy for (a single nonpartisan) the office to be
28 filled.

29 In either event, the officer with whom the declarations of
30 candidacy were filed shall immediately notify all candidates concerned
31 and the names of the candidates that would have been printed upon the
32 September primary ballot, but for the provisions of this section, shall
33 be printed as nominees for the positions sought upon the November
34 general election ballot.

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