

SUBSTITUTE HOUSE BILL 1230

State of Washington 57th Legislature 2002 Regular Session

By House Committee on State Government (originally sponsored by Representatives Schmidt, McMorris, Miloscia, Dunshee, Pearson, Talcott, Kessler, Pennington, Clements, Ogden, Sump, Linville, Darneille, Wood, Cooper, Gombosky, Skinner and Edmonds)

Read first time 02/26/2001. Referred to Committee on .

1 AN ACT Relating to changing primary dates and associated election
2 procedures; amending RCW 29.13.070, 29.15.020, 29.24.020, 29.13.010,
3 29.13.020, 29.15.120, 29.15.150, 29.15.170, 29.15.180, 29.15.190,
4 29.15.200, 29.15.230, 29.19.030, 29.24.035, 29.30.075, 29.62.020,
5 29.36.121, 42.12.040, 42.17.080, 27.12.355, 27.12.370, 35.06.070,
6 35.13.1821, 35.61.360, 35A.14.299, 36.93.030, 52.02.080, 52.04.056,
7 52.04.071, 53.04.110, 54.08.010, 54.08.070, 57.04.050, and 70.44.235;
8 reenacting and amending RCW 29.36.120; creating a new section;
9 repealing RCW 29.01.160; and providing an effective date.

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

PART I

BASIC DATE CHANGES

13 **Sec. 1.** RCW 29.13.070 and 1977 ex.s. c 361 s 29 are each amended
14 to read as follows:

15 Nominating primaries for general elections to be held in November
16 shall be held at the regular polling places in each precinct on the
17 ((third)) second Tuesday of the preceding ((September or on the seventh

1 ~~Tuesday immediately preceding such general election, whichever occurs~~
2 ~~first~~) August.

3 **Sec. 2.** RCW 29.15.020 and 1990 c 59 s 81 are each amended to read
4 as follows:

5 (1) Except where otherwise provided by this title, declarations of
6 candidacy for the following offices shall be filed with the filing
7 officer during the regular filing period, which is during regular
8 business hours ((with the filing officer)) no earlier than ((the fourth
9 Monday in July)) sixty-four days before the date of the primary
10 established by RCW 29.13.070 and no later than the following Friday in
11 the year in which the office is scheduled to be voted upon:

12 ((+1)) (a) Offices that are scheduled to be voted upon for full
13 terms or both full terms and short terms at, or in conjunction with, a
14 state general election; and

15 ((+2)) (b) Offices where a vacancy, other than a short term,
16 exists that has not been filled by election and for which an election
17 to fill the vacancy is required in conjunction with the next state
18 general election.

19 (2) If an eligible person has not filed a declaration of candidacy
20 for a nonpartisan office during the regular filing period, the filing
21 officer shall open a special filing period for declarations of
22 candidacy for that office. This special filing period must be held
23 during regular business hours for three consecutive days beginning on
24 the first Monday after the close of the regular filing period and
25 ending on the following Wednesday. If an eligible person has not filed
26 for the nonpartisan office during this special filing period, the
27 election is lapsed under RCW 29.15.200.

28 (3) If an eligible person has not filed a declaration of candidacy
29 as a member of a major political party for a partisan office during the
30 regular filing period, the filing officer shall open a special filing
31 period for declarations of candidacy as a member of that major
32 political party for that office. This special filing period must be
33 held during regular business hours for three consecutive days beginning
34 on the first Monday after the close of the regular filing period and
35 ending on the following Wednesday. If an eligible person has not filed
36 as a candidate of that major political party for that partisan office
37 during this special filing period, the major political party may select
38 and certify a nominee under RCW 29.18.150.

1 first Tuesday after the first Monday of November of each year:
2 PROVIDED, That the statewide general election held in odd-numbered
3 years shall be limited to (a) city, town, and district general
4 elections as provided for in RCW 29.13.020, or as otherwise provided by
5 law; (b) the election of federal officers for the remainder of any
6 unexpired terms in the membership of either branch of the congress of
7 the United States; (c) the election of state and county officers for
8 the remainder of any unexpired terms of offices created by or whose
9 duties are described in Article II, section 15, Article III, sections
10 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the
11 state Constitution and RCW 2.06.080; (d) the election of county
12 officers in any county governed by a charter containing provisions
13 calling for general county elections at this time; and (e) the approval
14 or rejection of state measures, including proposed constitutional
15 amendments, matters pertaining to any proposed constitutional
16 convention, initiative measures and referendum measures proposed by the
17 electorate, referendum bills, and any other matter provided by the
18 legislature for submission to the electorate.

19 (2) A county legislative authority may, if it deems an emergency to
20 exist, call a special county election by presenting a resolution to the
21 county auditor at least (~~forty-five~~) fifty days prior to the proposed
22 election date. Except as provided in subsection (4) of this section,
23 a special election called by the county legislative authority shall be
24 held on one of the following dates as decided by such governing body:

- 25 (a) The first Tuesday after the first Monday in February;
- 26 (b) The second Tuesday in March;
- 27 (c) The fourth Tuesday in April;
- 28 (d) The third Tuesday in May;
- 29 (e) The day of the primary as specified by RCW 29.13.070; or
- 30 (f) The first Tuesday after the first Monday in November.

31 (3) In addition to the dates set forth in subsection (2)(a) through
32 (f) of this section, a special election to validate an excess levy or
33 bond issue may be called at any time to meet the needs resulting from
34 fire, flood, earthquake, or other act of God. Such county special
35 election shall be noticed and conducted in the manner provided by law.

36 (4) In a presidential election year, if a presidential preference
37 primary is conducted in February, March, or April(~~(, or May)~~) under
38 chapter 29.19 RCW, the date on which a special election may be called
39 by the county legislative authority under subsection (2) of this

1 section during the month of that primary is the date of the
2 presidential primary.

3 (5) This section shall supersede the provisions of any and all
4 other statutes, whether general or special in nature, having different
5 dates for such city, town, and district elections, the purpose of this
6 section being to establish mandatory dates for holding elections except
7 for those elections held pursuant to a home-rule charter adopted under
8 Article XI, section 4 of the state Constitution. This section shall
9 not be construed as fixing the time for holding primary elections, or
10 elections for the recall of any elective public officer.

11 **Sec. 5.** RCW 29.13.020 and 1994 c 142 s 2 are each amended to read
12 as follows:

13 (1) All city, town, and district general elections shall be held
14 throughout the state of Washington on the first Tuesday following the
15 first Monday in November in the odd-numbered years.

16 This section shall not apply to:

17 (a) Elections for the recall of any elective public officer;

18 (b) Public utility districts or district elections at which the
19 ownership of property within those districts is a prerequisite to
20 voting, all of which elections shall be held at the times prescribed in
21 the laws specifically applicable thereto;

22 (c) Consolidation proposals as provided for in chapter 28A.315 RCW
23 (~~28A.315-280~~) and nonhigh capital fund aid proposals as provided for
24 in chapter 28A.540 RCW.

25 (2) The county auditor, as ex officio supervisor of elections, upon
26 request in the form of a resolution of the governing body of a city,
27 town, or district, presented to the auditor at least (~~forty-five~~)
28 fifty days prior to the proposed election date, may, if the county
29 auditor deems an emergency to exist, call a special election in such
30 city, town, or district, and for the purpose of such special election
31 he or she may combine, unite, or divide precincts. Except as provided
32 in subsection (3) of this section, such a special election shall be
33 held on one of the following dates as decided by the governing body:

34 (a) The first Tuesday after the first Monday in February;

35 (b) The second Tuesday in March;

36 (c) The fourth Tuesday in April;

37 (d) The third Tuesday in May;

1 (e) The day of the primary election as specified by RCW 29.13.070;
2 or

3 (f) The first Tuesday after the first Monday in November.

4 (3) In a presidential election year, if a presidential preference
5 primary is conducted in February, March, or April(~~(, or May)~~) under
6 chapter 29.19 RCW, the date on which a special election may be called
7 under subsection (2) of this section during the month of that primary
8 is the date of the presidential primary.

9 (4) In addition to subsection (2)(a) through (f) of this section,
10 a special election to validate an excess levy or bond issue may be
11 called at any time to meet the needs resulting from fire, flood,
12 earthquake, or other act of God, except that no special election may be
13 held between the first day for candidates to file for public office and
14 the last day to certify the returns of the general election other than
15 as provided in subsection (2)(e) and (f) of this section. Such special
16 election shall be conducted and notice thereof given in the manner
17 provided by law.

18 (5) This section shall supersede the provisions of any and all
19 other statutes, whether general or special in nature, having different
20 dates for such city, town, and district elections, the purpose of this
21 section being to establish mandatory dates for holding elections.

22 **Sec. 6.** RCW 29.15.120 and 1994 c 223 s 6 are each amended to read
23 as follows:

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

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

6 **Sec. 7.** RCW 29.15.150 and 1973 c 4 s 3 are each amended to read as
7 follows:

8 Whenever it shall be necessary to hold a special election in an
9 odd-numbered year to fill an unexpired term of any office which is
10 scheduled to be voted upon for a full term in an even-numbered year, no
11 (~~September~~) primary election shall be held in the odd-numbered year
12 if, after the last day allowed for candidates to withdraw, either of
13 the following circumstances exist:

14 (1) No more than one candidate of each qualified political party
15 has filed a declaration of candidacy for the same partisan office to be
16 filled; or

17 (2) No more than two candidates have filed a declaration of
18 candidacy for a single nonpartisan office to be filled.

19 In either event, the officer with whom the declarations of
20 candidacy were filed shall immediately notify all candidates concerned
21 and the names of the candidates that would have been printed upon the
22 (~~September~~) primary ballot, but for the provisions of this section,
23 shall be printed as nominees for the positions sought upon the November
24 general election ballot.

25 **Sec. 8.** RCW 29.15.170 and 1975-'76 2nd ex.s. c 120 s 10 are each
26 amended to read as follows:

27 Filings for a nonpartisan office shall be reopened after the
28 special filing period for a period of three normal business days, such
29 three-day period to be fixed by the election officer with whom such
30 declarations of candidacy are filed and notice thereof given by
31 notifying press, radio, and television in the county and by such other
32 means as may now or hereafter be provided by law, whenever before the
33 (~~fourth~~) seventh Tuesday (~~prior to~~) before a primary:

34 (1) A void in candidacy occurs for an office where one or more
35 eligible persons had filed for the office during the regular or special
36 filing period;

1 (2) A vacancy occurs in any nonpartisan office leaving an unexpired
2 term to be filled by an election for which filings have not been held;
3 or

4 (3) A nominee for judge of the superior court entitled to a
5 certificate of election pursuant to Article 4, section 29, Amendment 41
6 of the state Constitution, dies or is disqualified.

7 Candidacies validly filed within (~~said~~) this three-day period
8 shall appear on the ballot as if made during the earlier regular or
9 special filing period.

10 **Sec. 9.** RCW 29.15.180 and 1975-'76 2nd ex.s. c 120 s 11 are each
11 amended to read as follows:

12 Filings for a nonpartisan office (other than judge of the supreme
13 court or superintendent of public instruction) shall be reopened for a
14 period of three normal business days, such three day period to be fixed
15 by the election officer with whom such declarations of candidacy are
16 filed and notice thereof given by notifying press, radio, and
17 television in the county and by such other means as may now or
18 hereafter be provided by law, when:

19 (1) A void in candidacy for such nonpartisan office occurs on or
20 after the (~~fourth~~) seventh Tuesday prior to a primary but prior to
21 the (~~fourth~~) seventh Tuesday before an election; or

22 (2) A nominee for judge of the superior court eligible after a
23 contested primary for a certificate of election by Article 4, section
24 29, Amendment 41 of the state Constitution, dies or is disqualified
25 within the ten day period when a petition for write-in candidacy may be
26 received; or

27 (3) A vacancy occurs in any nonpartisan office on or after the
28 (~~fourth~~) seventh Tuesday prior to a primary but prior to the
29 (~~fourth~~) seventh Tuesday before an election leaving an unexpired term
30 to be filled by an election for which filings have not been held.

31 The candidate receiving a plurality of the votes cast for that
32 office in the general election shall be deemed elected.

33 **Sec. 10.** RCW 29.15.190 and 1975-'76 2nd ex.s. c 120 s 12 are each
34 amended to read as follows:

35 A scheduled election shall be lapsed, the office deemed stricken
36 from the ballot, no purported write-in votes counted, and no candidate
37 certified as elected, when:

1 (1) In an election for judge of the supreme court or superintendent
2 of public instruction, a void in candidacy (~~((occurs))~~) exists on or
3 after the (~~((fourth))~~) seventh Tuesday (~~((prior to))~~) before a primary,
4 public filings and the primary being an indispensable phase of the
5 election process for such offices;

6 (2) Except as otherwise specified in RCW 29.15.180, (~~((as now or~~
7 ~~hereafter amended,))~~) a nominee for judge of the superior court entitled
8 to a certificate of election pursuant to Article 4, section 29,
9 Amendment 41 of the state Constitution dies or is disqualified on or
10 after the (~~((fourth))~~) seventh Tuesday (~~((prior to))~~) before a primary;

11 (3) In other elections for nonpartisan office a void in candidacy
12 (~~((occurs))~~) exists or a vacancy occurs involving an unexpired term to be
13 filled on or after the (~~((fourth))~~) seventh Tuesday (~~((prior to))~~) before
14 an election.

15 **Sec. 11.** RCW 29.15.200 and 1994 c 223 s 8 are each amended to read
16 as follows:

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

26 **Sec. 12.** RCW 29.15.230 and 1981 c 180 s 2 are each amended to read
27 as follows:

28 Filings for a partisan elective office shall be opened for a period
29 of three normal business days whenever, on or after the first day of
30 the regular filing period and before the (~~((fourth))~~) seventh Tuesday
31 prior to a primary, a vacancy occurs in that office, leaving an
32 unexpired term to be filled by an election for which filings have not
33 been held.

34 Any such special three-day filing period shall be fixed by the
35 election officer with whom declarations of candidacy for that office
36 are filed. The election officer shall give notice of the special
37 three-day filing period by notifying the press, radio, and television

1 in the county or counties involved, and by such other means as may be
2 required by law.

3 Candidacies validly filed within the special three-day filing
4 period shall appear on the primary ballot as if filed during the
5 regular filing period.

6 **Sec. 13.** RCW 29.19.030 and 1989 c 4 s 3 are each amended to read
7 as follows:

8 The name of any candidate for a major political party nomination
9 for president of the United States shall be printed on the presidential
10 preference primary ballot of a major political party only:

11 (1) By direction of the secretary of state, who in the secretary's
12 sole discretion has determined that the candidate's candidacy is
13 generally advocated or is recognized in national news media; or

14 (2) If members of the political party of the candidate have
15 presented a petition for nomination of the candidate that has attached
16 to the petition a sheet or sheets containing the signatures of at least
17 one thousand registered voters who declare themselves in the petition
18 as being affiliated with the same political party as the presidential
19 candidate. The petition shall be filed with the secretary of state not
20 later than the (~~thirty-ninth~~) fiftieth day before the presidential
21 preference primary. The signature sheets shall also contain the
22 residence address and name or number of the precinct of each registered
23 voter whose signature appears thereon and shall be certified in the
24 manner prescribed in RCW 29.79.200 and 29.79.210.

25 The secretary of state shall place the name of the candidate on the
26 ballot unless the candidate, at least (~~thirty-five~~) forty-five days
27 before the presidential preference primary, executes and files with the
28 secretary of state an affidavit stating without qualification that he
29 or she is not now and will not become a candidate for the office of
30 president of the United States at the forthcoming presidential
31 election. The secretary of state shall certify the names of all
32 candidates who will appear on the presidential preference primary
33 ballot to the respective county auditors on or before the fourth
34 Tuesday in April of each presidential election year.

35 **Sec. 14.** RCW 29.24.035 and 1989 c 215 s 5 are each amended to read
36 as follows:

1 A nominating petition submitted under this chapter shall clearly
2 identify the name of the minor party or independent candidate
3 convention as it appears on the certificate of nomination as required
4 by RCW ((29.24.030(3))) 29.24.040(3). The petition shall also contain
5 a statement that the person signing the petition is a registered voter
6 of the state of Washington and shall have a space for the voter to sign
7 his or her name and to print his or her name and address. No person
8 may sign more than one nominating petition under this chapter for an
9 office for a primary or election.

10 **Sec. 15.** RCW 29.30.075 and 1987 c 54 s 1 are each amended to read
11 as follows:

12 Except where a recount or litigation under RCW 29.04.030 is
13 pending, the county auditor shall have sufficient absentee ballots
14 ready to mail to absentee voters of that county, other than overseas
15 voters or service voters, at least twenty days before any primary,
16 general election, or special election. At least thirty days before a
17 primary, general election, or special election, the county auditor
18 shall mail absentee ballots to all overseas and service voters who have
19 submitted valid requests for absentee ballots. A request for an
20 absentee ballot made by an overseas voter or service voter after that
21 day must be processed immediately.

22 **Sec. 16.** RCW 29.62.020 and 1999 c 259 s 4 are each amended to read
23 as follows:

24 (1) At least every third day after a special election, primary, or
25 general election and before certification of the election results,
26 except Sundays and legal holidays, the county auditor shall convene the
27 county canvassing board or their designees to process absentee ballots
28 and canvass the votes cast at that special election, primary, or
29 general election, if the county auditor is in possession of more than
30 twenty-five ballots that have yet to be canvassed. The county auditor
31 may use his or her discretion in determining when to convene the
32 canvassing board or their designees during the final four days before
33 the certification of election results in order to protect the secrecy
34 of any ballot.

35 Each absentee ballot previously not canvassed that was received by
36 the county auditor two days or more before the convening of the
37 canvassing board or their designees and that either was received by the

1 county auditor before the closing of the polls on the day of the
2 special election, primary, or general election for which it was issued,
3 or that bears a date of mailing on or before the special election,
4 primary, or general election for which it was issued, must be processed
5 at that time. The tabulation of votes that results from that day's
6 canvass must be made available to the general public immediately upon
7 completion of the canvass.

8 (2) On the (~~tenth~~) fifteenth day after a special election (~~or~~
9 a), primary (~~and on the fifteenth day after a~~), or general election,
10 the canvassing board shall complete the canvass and certify the
11 results. Each absentee ballot that was returned before the closing of
12 the polls on the date of the primary or election for which it was
13 issued, and each absentee ballot with a date of mailing on or before
14 the date of the primary or election for which it was issued and
15 received on or before the date on which the primary or election is
16 certified, shall be included in the canvass report.

17 (3) At the request of any caucus of the state legislature, the
18 county auditor shall transmit copies of all unofficial returns of state
19 and legislative primaries or elections prepared by or for the county
20 canvassing board to either the secretary of the senate or the chief
21 clerk of the house.

22 **Sec. 17.** RCW 29.36.120 and 1994 c 269 s 1 and 1994 c 57 s 48 are
23 each reenacted and amended to read as follows:

24 (1) At any primary or election, general or special, the county
25 auditor may, in any precinct having fewer than two hundred active
26 registered voters at the time of closing of voter registration as
27 provided in RCW 29.07.160, conduct the voting in that precinct by mail
28 ballot. For any precinct having fewer than two hundred active
29 registered voters where voting at a primary or a general election is
30 conducted by mail ballot, the county auditor shall, not less than
31 fifteen days prior to the date of that primary or general election,
32 mail or deliver to each active and inactive registered voter within
33 that precinct a notice that the voting in that precinct will be by mail
34 ballot, an application form for a mail ballot, and a postage prepaid
35 envelope, preaddressed to the issuing officer. A mail ballot shall be
36 issued to each voter who returns a properly executed application to the
37 county auditor no later than the day of that primary or general
38 election. For all subsequent mail ballot elections in that precinct

1 the application is valid so long as the voter remains active and
2 qualified to vote. In determining the number of registered voters in
3 a precinct for the purposes of this section, persons who are ongoing
4 absentee voters under RCW 29.36.013 shall not be counted. Nothing in
5 this section may be construed as altering the vote tallying
6 requirements of RCW 29.62.090.

7 (2) At any nonpartisan special election not being held in
8 conjunction with a state primary or general election, the county, city,
9 town, or district requesting the election pursuant to RCW 29.13.010 or
10 29.13.020 may also request that the election be conducted by mail
11 ballot. The county auditor may honor the request or may determine that
12 the election is not to be conducted by mail ballot. The decision of
13 the county auditor in this regard is final.

14 (~~In no instance shall any special election be conducted by mail
15 ballot in any precinct with two hundred or more active registered
16 voters if candidates for partisan office are to be voted upon.~~)

17 For all special elections not being held in conjunction with a
18 state primary or state general election where voting is conducted by
19 mail ballot, the county auditor shall, not less than fifteen days prior
20 to the date of such election, mail or deliver to each active registered
21 voter a mail ballot and an envelope, preaddressed to the issuing
22 officer. The auditor shall send each inactive voter either a ballot or
23 an application to receive a ballot. The auditor shall determine which
24 of the two is to be sent. If the inactive voter returns a voted
25 ballot, the ballot shall be counted and the voter's status restored to
26 active. If the inactive voter completes and returns an application, a
27 ballot shall be sent and the voter's status restored to active.

28 (~~((2) For a two year period beginning on June 9, 1994, and ending
29 two years after June 9, 1994, the county auditor may conduct the voting
30 in any precinct by mail for any primary or election, partisan or
31 nonpartisan, using the procedures set forth in RCW 29.36.120 through
32 29.36.139.))~~)

33 **Sec. 18.** RCW 29.36.121 and 1994 c 57 s 49 are each amended to read
34 as follows:

35 (1) At any nonpartisan special election not being held in
36 conjunction with a state primary or general election, the county, city,
37 town, or district requesting the election pursuant to RCW 29.13.010 or
38 29.13.020 may also request that the special election be conducted by

1 mail ballot. The county auditor may honor the request or may determine
2 that the election is not to be conducted by mail ballot. The decision
3 of the county auditor in this regard is final.

4 (2) ~~((In an odd-numbered year,))~~ The county auditor may conduct the
5 voting in any precinct by mail ballot ((a)) for any primary or a
6 special election concurrently with the primary((:

7 (a) ~~For any office or ballot measure of a special purpose district~~
8 ~~which is entirely within the county;~~

9 (b) ~~For any office or ballot measure of a special purpose district~~
10 ~~which lies in the county and one or more other counties if the auditor~~
11 ~~first secures the concurrence of the county auditors of those other~~
12 ~~counties to conduct the primary in this manner district-wide; and~~

13 (c) ~~For any ballot measure or nonpartisan office of a county, city,~~
14 ~~or town if the auditor first secures the concurrence of the legislative~~
15 ~~authority of the county, city, or town involved.~~

16 A primary in an odd-numbered year may not be conducted by mail
17 ballot in any precinct with two hundred or more active registered
18 voters if a partisan office or state office or state ballot measure is
19 to be voted upon at that primary in the precinct), whether or not
20 partisan or nonpartisan offices are on the ballot, and conduct the
21 primary or special election using the procedures set forth in RCW
22 29.36.120 through 29.36.139 to the extent they are not inconsistent
23 with other provisions of law.

24 (3) For all special elections not being held in conjunction with a
25 state primary or state general election where voting is conducted by
26 mail ballot, the county auditor shall, not less than fifteen days
27 before the date of such election, mail or deliver to each registered
28 voter a mail ballot and an envelope, preaddressed to the issuing
29 officer. The county auditor shall notify an election jurisdiction for
30 which a primary is to be held that the primary will be conducted by
31 mail ballot.

32 ~~((4) To the extent they are not inconsistent with subsections (1)~~
33 ~~through (3) of this section, the laws governing the conduct of mail~~
34 ~~ballot special elections apply to nonpartisan primaries conducted by~~
35 ~~mail ballot.))~~

36 **Sec. 19.** RCW 42.12.040 and 1981 c 180 s 1 are each amended to read
37 as follows:

1 If a vacancy occurs in any partisan elective office in the
2 executive or legislative branches of state government or in any
3 partisan county elective office before the ((fourth)) seventh Tuesday
4 prior to the primary for the next general election following the
5 occurrence of the vacancy, a successor shall be elected to that office
6 at that general election. Except during the last year of the term of
7 office, if such a vacancy occurs on or after the ((fourth)) seventh
8 Tuesday prior to the primary for that general election, the election of
9 the successor shall occur at the next succeeding general election. The
10 elected successor shall hold office for the remainder of the unexpired
11 term. This section shall not apply to any vacancy occurring in a
12 charter county which has charter provisions inconsistent with this
13 section.

14 **Sec. 20.** RCW 42.17.080 and 2000 c 237 s 2 are each amended to read
15 as follows:

16 (1) On the day the treasurer is designated, each candidate or
17 political committee shall file with the commission and the county
18 auditor or elections officer of the county in which the candidate
19 resides, or in the case of a political committee, the county in which
20 the treasurer resides, in addition to any statement of organization
21 required under RCW 42.17.040 or 42.17.050, a report of all
22 contributions received and expenditures made prior to that date, if
23 any.

24 (2) At the following intervals each treasurer shall file with the
25 commission and the county auditor or elections officer of the county in
26 which the candidate resides, or in the case of a political committee,
27 the county in which the committee maintains its office or headquarters,
28 and if there is no office or headquarters then in the county in which
29 the treasurer resides, a report containing the information required by
30 RCW 42.17.090:

31 (a) On the twenty-first day and the seventh day immediately
32 preceding the date on which the election is held; and

33 (b) On the tenth day of the first month after the election((+
34 ~~PROVIDED, That this report shall not be required following a primary~~
35 ~~election from:~~

36 ~~(i) A candidate whose name will appear on the subsequent general~~
37 ~~election ballot; or~~

38 ~~(ii) Any continuing political committee)); and~~

1 (c) On the tenth day of each month in which no other reports are
2 required to be filed under this section: PROVIDED, That such report
3 shall only be filed if the committee has received a contribution or
4 made an expenditure in the preceding calendar month and either the
5 total contributions received or total expenditures made since the last
6 such report exceed two hundred dollars.

7 When there is no outstanding debt or obligation, and the campaign
8 fund is closed, and the campaign is concluded in all respects, and in
9 the case of a political committee, the committee has ceased to function
10 and has dissolved, the treasurer shall file a final report. Upon
11 submitting a final report, the duties of the treasurer shall cease and
12 there shall be no obligation to make any further reports.

13 The report filed twenty-one days before the election shall report
14 all contributions received and expenditures made as of the end of the
15 fifth business day before the date of the report. The report filed
16 seven days before the election shall report all contributions received
17 and expenditures made as of the end of the one business day before the
18 date of the report. Reports filed on the tenth day of the month shall
19 report all contributions received and expenditures made from the
20 closing date of the last report filed through the last day of the month
21 preceding the date of the current report.

22 (3) For the period beginning the first day of the fourth month
23 preceding the date on which the special (~~or general~~) election is
24 held, or for the period beginning the first day of the fifth month
25 preceding the date on which the general election is held, and ending on
26 the date of that special or general election, each (~~Friday~~) Monday
27 the treasurer shall file with the commission and the appropriate county
28 elections officer a report of each bank deposit made during the
29 previous seven calendar days. The report shall contain the name of
30 each person contributing the funds so deposited and the amount
31 contributed by each person. However, contributions of no more than
32 twenty-five dollars in the aggregate from any one person may be
33 deposited without identifying the contributor. A copy of the report
34 shall be retained by the treasurer for his or her records. In the
35 event of deposits made by a deputy treasurer, the copy shall be
36 forwarded to the treasurer for his or her records. Each report shall
37 be certified as correct by the treasurer or deputy treasurer making the
38 deposit.

1 (4) If a city requires that candidates or committees for city
2 offices file reports with a city agency, the candidate or treasurer so
3 filing need not also file the report with the county auditor or
4 elections officer.

5 (5) The treasurer or candidate shall maintain books of account
6 accurately reflecting all contributions and expenditures on a current
7 basis within five business days of receipt or expenditure. During the
8 eight days immediately preceding the date of the election the books of
9 account shall be kept current within one business day. As specified in
10 the committee's statement of organization filed under RCW 42.17.040,
11 the books of account must be open for public inspection as follows:

12 (a) For at least two consecutive hours between 8:00 a.m. and 8:00
13 p.m. on the eighth day immediately before the election, except when it
14 is a legal holiday, in which case on the seventh day immediately before
15 the election, at the principal headquarters or, if there is no
16 headquarters, at the address of the treasurer or such other place as
17 may be authorized by the commission; and

18 (b) By appointment for inspections to be conducted at the
19 designated place for inspections between 8:00 a.m. and 8:00 p.m. on any
20 other day from the seventh day through the day immediately before the
21 election, other than Saturday, Sunday, or a legal holiday. It is a
22 violation of this chapter for a candidate or political committee to
23 refuse to allow and keep an appointment for an inspection to be
24 conducted during these authorized times and days in the week prior to
25 the election. The appointment must be allowed at an authorized time
26 and day for such inspections that is within twenty-four hours of the
27 time and day that is requested for the inspection.

28 (6) The treasurer or candidate shall preserve books of account,
29 bills, receipts, and all other financial records of the campaign or
30 political committee for not less than five calendar years following the
31 year during which the transaction occurred.

32 (7) All reports filed pursuant to subsection (1) or (2) of this
33 section shall be certified as correct by the candidate and the
34 treasurer.

35 (8) Copies of all reports filed pursuant to this section shall be
36 readily available for public inspection for at least two consecutive
37 hours Monday through Friday, excluding legal holidays, between 8:00
38 a.m. and 8:00 p.m., as specified in the committee's statement of
39 organization filed pursuant to RCW 42.17.040, at the principal

1 headquarters or, if there is no headquarters, at the address of the
2 treasurer or such other place as may be authorized by the commission.

3 (9) After January 1, 2002, a report that is filed with the
4 commission electronically need not also be filed with the county
5 auditor or elections officer.

6 (10) The commission shall adopt administrative rules establishing
7 requirements for filer participation in any system designed and
8 implemented by the commission for the electronic filing of reports.

9 **Sec. 21.** RCW 27.12.355 and 1987 c 138 s 1 are each amended to read
10 as follows:

11 (1) As provided in this section, a rural county library district,
12 island library district, or intercounty rural library district may
13 withdraw areas from its boundaries, or reannex areas into the library
14 district that previously had been withdrawn from the library district
15 under this section.

16 (2) The withdrawal of an area shall be authorized upon: (a)
17 Adoption of a resolution by the board of trustees requesting the
18 withdrawal and finding that, in the opinion of the board, inclusion of
19 this area within the library district will result in a reduction of the
20 district's tax levy rate under the provisions of RCW 84.52.010; and (b)
21 adoption of a resolution by the city or town council approving the
22 withdrawal, if the area is located within the city or town, or adoption
23 of a resolution by the county legislative authority of the county
24 within which the area is located approving the withdrawal, if the area
25 is located outside of a city or town. A withdrawal shall be effective
26 at the end of the day on the thirty-first day of December in the year
27 in which the resolutions are adopted, but for purposes of establishing
28 boundaries for property tax purposes, the boundaries shall be
29 established immediately upon the adoption of the second resolution.

30 The authority of an area to be withdrawn from a library district as
31 provided under this section is in addition, and not subject, to the
32 provisions of RCW 27.12.380.

33 The withdrawal of an area from the boundaries of a library district
34 shall not exempt any property therein from taxation for the purpose of
35 paying the costs of redeeming any indebtedness of the library district
36 existing at the time of the withdrawal.

37 (3) An area that has been withdrawn from the boundaries of a
38 library district under this section may be reannexed into the library

1 district upon: (a) Adoption of a resolution by the board of trustees
2 proposing the reannexation; and (b) adoption of a resolution by the
3 city or town council approving the reannexation, if the area is located
4 within the city or town, or adoption of a resolution by the county
5 legislative authority of the county within which the area is located
6 approving the reannexation, if the area is located outside of a city or
7 town. The reannexation shall be effective at the end of the day on the
8 thirty-first day of December in the year in which the adoption of the
9 second resolution occurs, but for purposes of establishing boundaries
10 for property tax purposes, the boundaries shall be established
11 immediately upon the adoption of the second resolution. Referendum
12 action on the proposed reannexation may be taken by the voters of the
13 area proposed to be reannexed if a petition calling for a referendum is
14 filed with the city or town council, or county legislative authority,
15 within a thirty-day period after the adoption of the second resolution,
16 which petition has been signed by registered voters of the area
17 proposed to be reannexed equal in number to ten percent of the total
18 number of the registered voters residing in that area.

19 If a valid petition signed by the requisite number of registered
20 voters has been so filed, the effect of the resolutions shall be held
21 in abeyance and a ballot proposition to authorize the reannexation
22 shall be submitted to the voters of the area at the next special
23 election date specified in RCW 29.13.020 that occurs (~~forty-five~~)
24 fifty or more days after the petitions have been validated. Approval
25 of the ballot proposition authorizing the reannexation by a simple
26 majority vote shall authorize the reannexation.

27 **Sec. 22.** RCW 27.12.370 and 1982 c 123 s 14 are each amended to
28 read as follows:

29 The county legislative authority or authorities shall by resolution
30 call a special election to be held in such city or town at the next
31 date provided in RCW 29.13.010 but not less than (~~forty-five~~) fifty
32 days from the date of the declaration of such finding, and shall cause
33 notice of such election to be given as provided for in RCW 29.27.080.

34 The election on the annexation of the city or town into the library
35 district shall be conducted by the auditor of the county or counties in
36 which the city or town is located in accordance with the general
37 election laws of the state and the results thereof shall be canvassed
38 by the canvassing board of the county or counties. No person shall be

1 entitled to vote at such election unless he or she is registered to
2 vote in said city or town for at least thirty days preceding the date
3 of the election. The ballot proposition shall be in substantially the
4 following form:

5 "Shall the city or town of be annexed to and be a part
6 of library district?

7 YES 1
8 NO 1 "

9 If a majority of the persons voting on the proposition shall vote
10 in favor thereof, the city or town shall thereupon be annexed and shall
11 be a part of such library district.

12 **Sec. 23.** RCW 35.06.070 and 1994 c 81 s 8 are each amended to read
13 as follows:

14 A ballot proposition authorizing an advancement in classification
15 of a town to a second class city shall be submitted to the voters of
16 the town if either: (1) Petitions proposing the advancement are
17 submitted to the town clerk that have been signed by voters of the town
18 equal in number to at least ten percent of the voters of the town
19 voting at the last municipal general election; or (2) the town council
20 adopts a resolution proposing the advancement. The clerk shall
21 immediately forward the petitions to the county auditor who shall
22 review the signatures and certify the sufficiency of the petitions.

23 A ballot proposition authorizing an advancement shall be submitted
24 to the town voters at the next municipal general election occurring
25 (~~forty-five~~) fifty or more days after the petitions are submitted if
26 the county auditor certifies the petitions as having sufficient valid
27 signatures. The town shall be advanced to a second class city if the
28 ballot proposition is approved by a simple majority vote, effective
29 when the corporation is actually reorganized and the new officers are
30 elected and qualified. The county auditor shall notify the secretary
31 of state if the advancement of a town to a second class city is
32 approved.

33 **Sec. 24.** RCW 35.13.1821 and 1998 c 286 s 2 are each amended to
34 read as follows:

35 The annexation ordinance provided for in RCW 35.13.182 is subject
36 to referendum for forty-five days after its passage. Upon the filing

1 of a timely and sufficient referendum petition with the legislative
2 body, signed by qualified electors in number equal to not less than ten
3 percent of the votes cast in the last general state election in the
4 area to be annexed, the question of annexation shall be submitted to
5 the voters of the area in a general election if one is to be held
6 within ninety days or at a special election called for that purpose not
7 less than ((~~forty-five~~)) fifty days nor more than ninety days after the
8 filing of the referendum petition. Notice of the election shall be
9 given as provided in RCW 35.13.080 and the election shall be conducted
10 as provided in the general election law. The annexation shall be
11 deemed approved by the voters unless a majority of the votes cast on
12 the proposition are in opposition thereto.

13 After the expiration of the forty-fifth day from but excluding the
14 date of passage of the annexation ordinance, if no timely and
15 sufficient referendum petition has been filed, the area annexed shall
16 become a part of the city or town upon the date fixed in the ordinance
17 of annexation.

18 **Sec. 25.** RCW 35.61.360 and 1987 c 138 s 2 are each amended to read
19 as follows:

20 (1) As provided in this section, a metropolitan park district may
21 withdraw areas from its boundaries, or reannex areas into the
22 metropolitan park district that previously had been withdrawn from the
23 metropolitan park district under this section.

24 (2) The withdrawal of an area shall be authorized upon: (a)
25 Adoption of a resolution by the park district commissioners requesting
26 the withdrawal and finding that, in the opinion of the commissioners,
27 inclusion of this area within the metropolitan park district will
28 result in a reduction of the district's tax levy rate under the
29 provisions of RCW 84.52.010; and (b) adoption of a resolution by the
30 city or town council approving the withdrawal, if the area is located
31 within the city or town, or adoption of a resolution by the county
32 legislative authority of the county within which the area is located
33 approving the withdrawal, if the area is located outside of a city or
34 town. A withdrawal shall be effective at the end of the day on the
35 thirty-first day of December in the year in which the resolutions are
36 adopted, but for purposes of establishing boundaries for property tax
37 purposes, the boundaries shall be established immediately upon the
38 adoption of the second resolution.

1 The withdrawal of an area from the boundaries of a metropolitan
2 park district shall not exempt any property therein from taxation for
3 the purpose of paying the costs of redeeming any indebtedness of the
4 metropolitan park district existing at the time of the withdrawal.

5 (3) An area that has been withdrawn from the boundaries of a
6 metropolitan park district under this section may be reannexed into the
7 metropolitan park district upon: (a) Adoption of a resolution by the
8 park district commissioners proposing the reannexation; and (b)
9 adoption of a resolution by the city or town council approving the
10 reannexation, if the area is located within the city or town, or
11 adoption of a resolution by the county legislative authority of the
12 county within which the area is located approving the reannexation, if
13 the area is located outside of a city or town. The reannexation shall
14 be effective at the end of the day on the thirty-first day of December
15 in the year in which the adoption of the second resolution occurs, but
16 for purposes of establishing boundaries for property tax purposes, the
17 boundaries shall be established immediately upon the adoption of the
18 second resolution. Referendum action on the proposed reannexation may
19 be taken by the voters of the area proposed to be reannexed if a
20 petition calling for a referendum is filed with the city or town
21 council, or county legislative authority, within a thirty-day period
22 after the adoption of the second resolution, which petition has been
23 signed by registered voters of the area proposed to be reannexed equal
24 in number to ten percent of the total number of the registered voters
25 residing in that area.

26 If a valid petition signed by the requisite number of registered
27 voters has been so filed, the effect of the resolutions shall be held
28 in abeyance and a ballot proposition to authorize the reannexation
29 shall be submitted to the voters of the area at the next special
30 election date specified in RCW 29.13.020 that occurs (~~forty-five~~)
31 fifty or more days after the petitions have been validated. Approval
32 of the ballot proposition authorizing the reannexation by a simple
33 majority vote shall authorize the reannexation.

34 **Sec. 26.** RCW 35A.14.299 and 1967 ex.s. c 119 s 35A.14.299 are each
35 amended to read as follows:

36 Such annexation ordinance as provided for in RCW 35A.14.297 shall
37 be subject to referendum for forty-five days after the passage thereof.
38 Upon the filing of a timely and sufficient referendum petition with the

1 legislative body, signed by qualified electors in number equal to not
2 less than ten percent of the votes cast in the last general state
3 election in the area to be annexed, the question of annexation shall be
4 submitted to the voters of such area in a general election if one is to
5 be held within ninety days or at a special election called for that
6 purpose not less than (~~forty-five~~) fifty days nor more than ninety
7 days after the filing of the referendum petition. Notice of such
8 election shall be given as provided in RCW 35A.14.070 and the election
9 shall be conducted as provided in RCW (~~35A.14.060~~) 35A.29.151. The
10 annexation shall be deemed approved by the voters unless a majority of
11 the votes cast on the proposition are in opposition thereto.

12 After the expiration of the forty-fifth day from but excluding the
13 date of passage of the annexation ordinance, if no timely and
14 sufficient referendum petition has been filed, the area annexed shall
15 become a part of the code city upon the date fixed in the ordinance of
16 annexation. From and after such date, if the ordinance so provided,
17 property in the annexed area shall be subject to the proposed zoning
18 regulation prepared and filed for such area as provided in RCW
19 35A.14.330 and 35A.14.340. If the ordinance so provided, all property
20 within the area annexed shall be assessed and taxed at the same rate
21 and on the same basis as the property of such annexing code city is
22 assessed and taxed to pay for any then outstanding indebtedness of such
23 city contracted prior to, or existing at, the date of annexation.

24 **Sec. 27.** RCW 36.93.030 and 1991 c 363 s 91 are each amended to
25 read as follows:

26 (1) There is hereby created and established in each county with a
27 population of two hundred ten thousand or more a board to be known and
28 designated as a "boundary review board".

29 (2) A boundary review board may be created and established in any
30 other county in the following manner:

31 (a) The county legislative authority may, by majority vote, adopt
32 a resolution establishing a boundary review board; or

33 (b) A petition seeking establishment of a boundary review board
34 signed by qualified electors residing in the county equal in number to
35 at least five percent of the votes cast in the county at the last
36 county general election may be filed with the county auditor.

37 Upon the filing of such a petition, the county auditor shall
38 examine the same and certify to the sufficiency of the signatures

1 thereon. No person may withdraw his or her name from a petition after
2 it has been filed with the auditor. Within thirty days after the
3 filing of such petition, the county auditor shall transmit the same to
4 the county legislative authority, together with his or her certificate
5 of sufficiency.

6 After receipt of a valid petition for the establishment of a
7 boundary review board, the county legislative authority shall submit
8 the question of whether a boundary review board should be established
9 to the electorate at the next county primary or county general election
10 which occurs more than (~~forty-five~~) fifty days from the date of
11 receipt of the petition. Notice of the election shall be given as
12 provided in RCW 29.27.080 and shall include a clear statement of the
13 proposal to be submitted.

14 If a majority of the persons voting on the proposition shall vote
15 in favor of the establishment of the boundary review board, such board
16 shall thereupon be deemed established.

17 **Sec. 28.** RCW 52.02.080 and 1989 c 63 s 6 are each amended to read
18 as follows:

19 The election on the formation of the district and to elect the
20 initial fire commissioners shall be conducted by the election officials
21 of the county or counties in which the proposed district is located in
22 accordance with the general election laws of the state. This election
23 shall be held at the next general election date, as specified under RCW
24 29.13.020, that occurs (~~forty-five~~) fifty or more days after the date
25 of the action by the boundary review board, or county legislative
26 authority or authorities, approving the proposal.

27 **Sec. 29.** RCW 52.04.056 and 1989 c 63 s 11 are each amended to read
28 as follows:

29 (1) As provided in this section, a fire protection district may
30 withdraw areas from its boundaries, or reannex areas into the fire
31 protection district that previously had been withdrawn from the fire
32 protection district under this section.

33 (2) The withdrawal of an area shall be authorized upon: (a)
34 Adoption of a resolution by the board of fire commissioners requesting
35 the withdrawal and finding that, in the opinion of the board, inclusion
36 of this area within the fire protection district will result in a
37 reduction of the district's tax levy rate under the provisions of RCW

1 84.52.010; and (b) adoption of a resolution by the city or town council
2 approving the withdrawal, if the area is located within the city or
3 town, or adoption of a resolution by the county legislative authority
4 or authorities of the county or counties within which the area is
5 located approving the withdrawal, if the area is located outside of a
6 city or town. A withdrawal shall be effective at the end of the day on
7 the thirty-first day of December in the year in which the resolutions
8 are adopted, but for purposes of establishing boundaries for property
9 tax purposes, the boundaries shall be established immediately upon the
10 adoption of the second resolution.

11 The authority of an area to be withdrawn from a fire protection
12 district as provided under this section is in addition, and not
13 subject, to the provisions of RCW 52.04.101.

14 The withdrawal of an area from the boundaries of a fire protection
15 district shall not exempt any property therein from taxation for the
16 purpose of paying the costs of redeeming any indebtedness of the fire
17 protection district existing at the time of the withdrawal.

18 (3) An area that has been withdrawn from the boundaries of a fire
19 protection district under this section may be reannexed into the fire
20 protection district upon: (a) Adoption of a resolution by the board of
21 fire commissioners proposing the reannexation; and (b) adoption of a
22 resolution by the city or town council approving the reannexation, if
23 the area is located within the city or town, or adoption of a
24 resolution by the county legislative authority or authorities of the
25 county or counties within which the area is located approving the
26 reannexation, if the area is located outside of a city or town. The
27 reannexation shall be effective at the end of the day on the thirty-
28 first day of December in the year in which the adoption of the second
29 resolution occurs, but for purposes of establishing boundaries for
30 property tax purposes, the boundaries shall be established immediately
31 upon the adoption of the second resolution. Referendum action on the
32 proposed reannexation may be taken by the voters of the area proposed
33 to be reannexed if a petition calling for a referendum is filed with
34 the city or town council, or county legislative authority or
35 authorities, within a thirty-day period after the adoption of the
36 second resolution, which petition has been signed by registered voters
37 of the area proposed to be reannexed equal in number to ten percent of
38 the total number of the registered voters residing in that area.

1 If a valid petition signed by the requisite number of registered
2 voters has been so filed, the effect of the resolutions shall be held
3 in abeyance and a ballot proposition to authorize the reannexation
4 shall be submitted to the voters of the area at the next special
5 election date specified in RCW 29.13.020 that occurs ((~~forty-five~~))
6 fifty or more days after the petitions have been validated. Approval
7 of the ballot proposition authorizing the reannexation by a simple
8 majority vote shall authorize the reannexation.

9 **Sec. 30.** RCW 52.04.071 and 1984 c 230 s 16 are each amended to
10 read as follows:

11 The county legislative authority or authorities shall by resolution
12 call a special election to be held in the city or town and in the fire
13 protection district at the next date provided in RCW 29.13.010 but not
14 less than ((~~forty-five~~)) fifty days from the date of the declaration of
15 the finding, and shall cause notice of the election to be given as
16 provided for in RCW 29.27.080.

17 The election on the annexation of the city or town into the fire
18 protection district shall be conducted by the auditor of the county or
19 counties in which the city or town and the fire protection district are
20 located in accordance with the general election laws of the state. The
21 results thereof shall be canvassed by the canvassing board of the
22 county or counties. No person is entitled to vote at the election
23 unless he or she is a qualified elector in the city or town or unless
24 he or she is a qualified elector within the boundaries of the fire
25 protection district. The ballot proposition shall be in substantially
26 the following form:

27 "Shall the city or town of be annexed to and be a part
28 of fire protection district?
29 YES
30 NO "

31 If a majority of the persons voting on the proposition in the city
32 or town and a majority of the persons voting on the proposition in the
33 fire protection district vote in favor thereof, the city or town shall
34 be annexed and shall be a part of the fire protection district.

35 **Sec. 31.** RCW 53.04.110 and 1998 c 240 s 1 are each amended to read
36 as follows:

1 Any port district now existing or which may hereafter be organized
2 under the laws of the state of Washington is hereby authorized to
3 change its corporate name under the following conditions and in the
4 following manner:

5 (1) On presentation, at least ((~~forty-five~~)) fifty days before any
6 general port election to be held in the port district, of a petition to
7 the commissioners of any port district now existing or which may
8 hereafter be established under the laws of the state of Washington,
9 signed by at least ten percent of the total number of voters of the
10 port district who voted at the last general port election and asking
11 that the corporate name of the port district be changed, it shall be
12 the duty of the commissioners to submit to the voters of the port
13 district the proposition as to whether the corporate name of the port
14 shall be changed. The proposition shall be submitted at the next
15 general port election.

16 (2) The petition shall contain the present corporate name of the
17 port district and the corporate name which is proposed to be given to
18 the port district.

19 (3) On submitting the proposition to the voters of the port
20 district it shall be the duty of the port commissioners to cause to be
21 printed on the official ballot used at the election the following
22 proposition:

23 "Shall the corporate name, 'Port of ' be changed to
24 'Port of ' YES
25 "Shall the corporate name, 'Port of ' be changed to
26 'Port of ' NO"

27 (4) At the time when the returns of the general election shall be
28 canvassed by the commissioners of the port district, it shall be the
29 duty of the commissioners to canvass the vote upon the proposition so
30 submitted, recording in their record the result of the canvass.

31 (5) Should a majority of the registered voters of the port district
32 voting at the general port election vote in favor of the proposition it
33 shall be the duty of the port commissioners to certify the fact to the
34 auditor of the county in which the port district shall be situated and
35 to the secretary of state of the state of Washington, under the seal of
36 the port district. On and after the filing of the certificate with the
37 county auditor as aforesaid and with the secretary of state of the
38 state of Washington, the corporate name of the port district shall be

1 changed, and thenceforth the port district shall be known and
2 designated in accordance therewith.

3 **Sec. 32.** RCW 54.08.010 and 1985 c 469 s 55 are each amended to
4 read as follows:

5 At any general election held in an even-numbered year, the county
6 legislative authority of any county in this state may, or, on petition
7 of ten percent of the qualified electors of the county based on the
8 total vote cast in the last general county election held in an even-
9 numbered year, shall, by resolution, submit to the voters of the county
10 the proposition of creating a public utility district which shall be
11 coextensive with the limits of the county as now or hereafter
12 established. A form of petition for the creation of a public utility
13 district shall be submitted to the county auditor within ten months
14 prior to the election at which the proposition is to be submitted to
15 the voters. Petitions shall be filed with the county auditor not less
16 than four months before the election and the county auditor shall
17 within thirty days examine the signatures thereof and certify to the
18 sufficiency or insufficiency thereof. If the petition be found to be
19 insufficient, it shall be returned to the persons filing the same, who
20 may amend or add names thereto for ten days, when the same shall be
21 returned to the county auditor, who shall have an additional fifteen
22 days to examine the same and attach his certificate thereto. No person
23 having signed the petition shall be allowed to withdraw his name
24 therefrom after the filing of the same with the county auditor:
25 PROVIDED, That each signature shall be dated and that no signature
26 dated prior to the date on which the form of petition was submitted to
27 the county auditor shall be valid. Whenever the petition shall be
28 certified to as sufficient, the county auditor shall forthwith transmit
29 the same, together with his certificate of sufficiency attached
30 thereto, to the county legislative authority which shall submit the
31 proposition to the voters of the county at the next general election in
32 an even-numbered year occurring (~~forty-five~~) fifty days after
33 submission of the proposition to the legislative authority. The notice
34 of the election shall state the boundaries of the proposed public
35 utility district and the object of such election, and shall in other
36 respects conform to the requirements of the general laws of the state
37 of Washington, governing the time and manner of holding elections. In
38 submitting the question to the voters for their approval or rejection,

1 the proposition shall be expressed on the ballot substantially in the
2 following terms:

3 Public Utility District No. YES 1
4 Public Utility District No. NO 1

5 Any petition for the formation of a public utility district may
6 describe a less area than the entire county in which the petition is
7 filed, the boundaries of which shall follow the then existing precinct
8 boundaries and not divide any voting precinct; and in the event that
9 such a petition is filed the county legislative authority shall fix a
10 date for a hearing on such petition, and shall publish the petition,
11 without the signatures thereto appended, for two weeks prior to the
12 date of the hearing, together with a notice stating the time of the
13 meeting when the petition will be heard. The publication, and all
14 other publications required by chapter 1, Laws of 1931, shall be in a
15 newspaper of general circulation in the county in which the district is
16 situated. The hearing on the petition may be adjourned from time to
17 time, not exceeding four weeks in all. If upon the final hearing the
18 county legislative authority shall find that any lands have been
19 unjustly or improperly included within the proposed public utility
20 district and will not be benefited by inclusion therein, it shall
21 change and fix the boundary lines in such manner as it shall deem
22 reasonable and just and conducive to the public welfare and
23 convenience, and make and enter an order establishing and defining the
24 boundary lines of the proposed public utility district: PROVIDED, That
25 no lands shall be included within the boundaries so fixed lying outside
26 the boundaries described in the petition, except upon the written
27 request of the owners of those lands. Thereafter the same procedure
28 shall be followed as prescribed in this chapter for the formation of a
29 public utility district including an entire county, except that the
30 petition and election shall be confined solely to the lesser public
31 utility district.

32 No public utility district created after September 1, 1979, shall
33 include any other public utility district within its boundaries:
34 PROVIDED, That this paragraph shall not alter, amend, or modify
35 provisions of chapter 54.32 RCW.

36 **Sec. 33.** RCW 54.08.070 and 1979 ex.s. c 240 s 2 are each amended
37 to read as follows:

1 Any district which does not own or operate electric facilities for
2 the generation, transmission or distribution of electric power on March
3 25, 1969, or any district which hereafter does not construct or acquire
4 such electric facilities within ten years of its creation, shall not
5 construct or acquire any such electric facilities without the approval
6 of such proposal by the voters of such district: PROVIDED, That a
7 district shall have the power to construct or acquire electric
8 facilities within ten years following its creation by action of its
9 commission without voter approval of such action.

10 At any general election held in an even-numbered year, the proposal
11 to construct or acquire electric facilities may be submitted to the
12 voters of the district by resolution of the public utility district
13 commission or shall be submitted to the voters of the district by the
14 county legislative authority on petition of ten percent of the
15 qualified electors of such district, based on the total vote cast in
16 the last general county election held in an even-numbered year. A form
17 of petition for the construction or acquisition of electric facilities
18 by the public utility district shall be submitted to the county auditor
19 within ten months prior to the election at which such proposition is to
20 be submitted to the voters. Petitions shall be filed with the county
21 auditor not less than four months before such election and the county
22 auditor shall within thirty days examine the signatures thereof and
23 certify to the sufficiency or insufficiency thereof. If such petition
24 is found to be insufficient, it shall be returned to the persons filing
25 the same, who may amend and add names thereto for ten days, when the
26 same shall be returned to the county auditor, who shall have an
27 additional fifteen days to examine the same and attach his certificate
28 thereto. No person having signed such petition shall be allowed to
29 withdraw his name therefrom after the filing of the same with the
30 county auditor: PROVIDED, That each signature shall be dated and that
31 no signature dated prior to the date on which the form of petition was
32 submitted to the county auditor shall be valid. Whenever such petition
33 shall be certified to as sufficient, the county auditor shall forthwith
34 transmit the same, together with his certificate of sufficiency
35 attached thereto, to the county legislative authority which shall
36 submit such proposition to the voters of said district at the next
37 general election in an even-numbered year occurring (~~forty-five~~)
38 fifty days after submission of the proposition to said legislative
39 authority. The notice of the election shall state the object of such

1 election, and shall in other respects conform to the requirements of
2 the general laws of Washington, governing the time and manner of
3 holding elections.

4 The proposal submitted to the voters for their approval or
5 rejection, shall be expressed on the ballot substantially in the
6 following terms:

7 Shall Public Utility District No. of County
8 construct or acquire electric facilities for the generation,
9 transmission or distribution of electric power?

10	Yes	1
11	No	1

12 Within ten days after such election, the election board of the
13 county shall canvass the returns, and if at such election a majority of
14 the voters voting on such proposition shall vote in favor of such
15 construction or acquisition of electric facilities, the district shall
16 be authorized to construct or acquire electric facilities.

17 **Sec. 34.** RCW 57.04.050 and 1999 c 153 s 1 are each amended to read
18 as follows:

19 Upon entry of the findings of the final hearing on the petition if
20 one or more county legislative authorities find that the proposed
21 district will be conducive to the public health, welfare, and
22 convenience and will benefit the land therein, they shall present a
23 resolution to the county auditor calling for a special election to be
24 held at a date specified under RCW 29.13.020, that occurs (~~forty-~~
25 ~~five~~) fifty or more days after the resolution is presented, at which
26 a ballot proposition authorizing the district to be created shall be
27 submitted to voters for their approval or rejection. The commissioners
28 shall cause to be published a notice of the election for four
29 successive weeks in a newspaper of general circulation in the proposed
30 district, which notice shall state the hours during which the polls
31 will be open, the boundaries of the district as finally adopted and the
32 object of the election, and the notice shall also be posted ten days in
33 ten public places in the proposed district. The district shall be
34 created if the ballot proposition authorizing the district to be
35 created is approved by a majority of the voters voting on the
36 proposition.

1 A separate ballot proposition authorizing the district, if created,
2 to impose a single-year excess levy for the preliminary expenses of the
3 district shall be submitted to voters for their approval or rejection
4 at the same special election, if the petition to create the district
5 also proposed that a ballot proposition authorizing an excess levy be
6 submitted to voters for their approval or rejection. The excess levy
7 shall be proposed in the amount specified in the petition to create the
8 district, not to exceed one dollar and twenty-five cents per thousand
9 dollars of assessed value, and may only be submitted to voters for
10 their approval or rejection if the special election is held in
11 February, March, April, or May. The proposition to be effective must
12 be approved in the manner set forth in Article VII, section 2(a) of the
13 state Constitution.

14 **Sec. 35.** RCW 70.44.235 and 1987 c 138 s 4 are each amended to read
15 as follows:

16 (1) As provided in this section, a public hospital district may
17 withdraw areas from its boundaries, or reannex areas into the public
18 hospital district that previously had been withdrawn from the public
19 hospital district under this section.

20 (2) The withdrawal of an area shall be authorized upon: (a)
21 Adoption of a resolution by the hospital district commissioners
22 requesting the withdrawal and finding that, in the opinion of the
23 commissioners, inclusion of this area within the public hospital
24 district will result in a reduction of the district's tax levy rate
25 under the provisions of RCW 84.52.010; and (b) adoption of a resolution
26 by the city or town council approving the withdrawal, if the area is
27 located within the city or town, or adoption of a resolution by the
28 county legislative authority of the county within which the area is
29 located approving the withdrawal, if the area is located outside of a
30 city or town. A withdrawal shall be effective at the end of the day on
31 the thirty-first day of December in the year in which the resolutions
32 are adopted, but for purposes of establishing boundaries for property
33 tax purposes, the boundaries shall be established immediately upon the
34 adoption of the second resolution.

35 The withdrawal of an area from the boundaries of a public hospital
36 district shall not exempt any property therein from taxation for the
37 purpose of paying the costs of redeeming any indebtedness of the public
38 hospital district existing at the time of the withdrawal.

1 (3) An area that has been withdrawn from the boundaries of a public
2 hospital district under this section may be reannexed into the public
3 hospital district upon: (a) Adoption of a resolution by the hospital
4 district commissioners proposing the reannexation; and (b) adoption of
5 a resolution by the city or town council approving the reannexation, if
6 the area is located within the city or town, or adoption of a
7 resolution by the county legislative authority of the county within
8 which the area is located approving the reannexation, if the area is
9 located outside of a city or town. The reannexation shall be effective
10 at the end of the day on the thirty-first day of December in the year
11 in which the adoption of the second resolution occurs, but for purposes
12 of establishing boundaries for property tax purposes, the boundaries
13 shall be established immediately upon the adoption of the second
14 resolution. Referendum action on the proposed reannexation may be
15 taken by the voters of the area proposed to be reannexed if a petition
16 calling for a referendum is filed with the city or town council, or
17 county legislative authority, within a thirty-day period after the
18 adoption of the second resolution, which petition has been signed by
19 registered voters of the area proposed to be reannexed equal in number
20 to ten percent of the total number of the registered voters residing in
21 that area.

22 If a valid petition signed by the requisite number of registered
23 voters has been so filed, the effect of the resolutions shall be held
24 in abeyance and a ballot proposition to authorize the reannexation
25 shall be submitted to the voters of the area at the next special
26 election date specified in RCW 29.13.020 that occurs (~~forty-five~~)
27 fifty or more days after the petitions have been validated. Approval
28 of the ballot proposition authorizing the reannexation by a simple
29 majority vote shall authorize the reannexation.

30 NEW SECTION. Sec. 36. RCW 29.01.160 (September primary) and 1965
31 c 9 s 29.01.160 are each repealed.

32 NEW SECTION. Sec. 37. If any provision of this act or its
33 application to any person or circumstance is held invalid, the
34 remainder of the act or the application of the provision to other
35 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 38.** Part headings used in this act are not part
2 of the law.

3 NEW SECTION. **Sec. 39.** This act takes effect January 1, 2002.

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