

SENATE BILL REPORT

HB 1473

As Reported By Senate Committee On:
Government Operations & Elections, April 4, 2003

Title: An act relating to filling vacancies in office.

Brief Description: Specifying when vacancies in certain public offices may be filled.

Sponsors: Representatives Hudgins, Nixon, Flannigan, Pettigrew, Clibborn, Kenney, Haigh, Hinkle, Bailey, Morrell and Upthegrove.

Brief History:

Committee Activity: Government Operations & Elections: 3/25/03, 4/4/03 [DPA].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass as amended.

Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and Reardon.

Staff: Ronda Larson (786-7429)

Background: If a county or state elected official leaves office prior to the expiration of his or her term, a person is appointed to fill the vacancy. The appointee serves until voters can elect a successor at the next general election.

In some circumstances, vacancies come up after the general election but before the beginning of the next term in January. For example, a defeated incumbent could leave soon after being defeated in a November election, rather than serving out his or her last few months. This leaves a vacancy through the first week in January, when the winner's term begins. During that gap, the winner must go through a time-consuming appointment process, even though voters just elected him or her in November. The winner then serves out the remainder of the losing incumbent's term as an appointee. In January, the winner begins his or her actual term as an elected official.

Out-going officials also leave early after an election due to other reasons, including redistricting, being elected to a higher office, or death.

Summary of Amended Bill: Where a partisan elected official leaves office after an election but before an elected successor's term has begun, the successor can take office immediately after the election results are certified. The successor need not go through the appointment process. The bill applies only to partisan elected officials at the county-level or in the legislative or executive branches.

Amended Bill Compared to Original Bill: The amended House bill limits the bill to situations where the successor is of the same party as the incumbent. Where the successor

is of a different party than the incumbent, a post-election, pre-January vacancy must be filled through the normal appointment process.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect on January 1, 2004, if HJR 4206 is approved by voters in the November general election.

Testimony For: It is a small bill to fill a gap in statutes. In current law, if there is a redistricting, a person is eligible to take office immediately, but nevertheless must wait to go through the appointment process. What makes it difficult is that it occurs in December, when most people are gone for the holidays and are unavailable to meet for the appointment process. This bill applies to both county and statewide partisan positions.

Testimony Against: None.

Testified: PRO: Representative Hudgins, prime sponsor.