
SENATE BILL 5794

State of Washington

58th Legislature

2003 Regular Session

By Senator Prentice

Read first time 02/12/2003. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to filling vacancies in office; amending RCW
2 36.16.110, 36.32.0558, 36.32.070, and 42.12.040; and providing a
3 contingent effective date.

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

5 **Sec. 1.** RCW 36.16.110 and 1963 c 4 s 36.16.110 are each amended to
6 read as follows:

7 The (~~board of~~) county (~~commissioners~~) legislative authority in
8 each county shall, at its next regular or special meeting after being
9 appraised of any vacancy in any county, township, precinct, or road
10 district office of the county, fill the vacancy by the appointment of
11 some person qualified to hold such office, and the officers thus
12 appointed shall hold office until the next general election, and until
13 their successors are elected and qualified.

14 If a vacancy occurs in a partisan county office after the general
15 election in a year that the position appears on the ballot and before
16 the start of the next term, the term of the successor may commence once
17 he or she has qualified as defined in RCW 29.01.135 and shall continue
18 through the term for which he or she was elected.

1 **Sec. 2.** RCW 36.32.0558 and 1990 c 252 s 6 are each amended to read
2 as follows:

3 Vacancies on a board of county commissioners consisting of five
4 members shall be filled as provided in RCW 36.32.070, except that:

5 (1) Whenever there are three or more vacancies, the governor shall
6 appoint one or more commissioners until there are a total of three
7 commissioners;

8 (2) Whenever there are two vacancies, the three commissioners shall
9 fill one of the vacancies; (~~and~~)

10 (3) Whenever there is one vacancy, the four commissioners shall
11 fill the single vacancy; and

12 (4) Whenever there is a vacancy after the general election in a
13 year that the position appears on the ballot and before the start of
14 the next term, the term of the successor may commence once he or she
15 has qualified as defined in RCW 29.01.135 and shall continue through
16 the term for which he or she was elected.

17 **Sec. 3.** RCW 36.32.070 and 1990 c 252 s 7 are each amended to read
18 as follows:

19 Whenever there is a vacancy in the board of county commissioners,
20 except as provided in RCW 36.32.0558, it shall be filled as follows:

21 (1) If there are three vacancies, the governor of the state shall
22 appoint two of the officers. The two commissioners thus appointed
23 shall then meet and select the third commissioner. If the two
24 appointed commissioners fail to agree upon selection of the third after
25 the expiration of five days from the day they were appointed, the
26 governor shall appoint the remaining commissioner.

27 (2) Whenever there are two vacancies in the office of county
28 commissioner, the governor shall appoint one commissioner, and the two
29 commissioners then in office shall appoint the third commissioner. If
30 they fail to agree upon a selection after the expiration of five days
31 from the day of the governor's appointment, the governor shall appoint
32 the third commissioner.

33 (3) Whenever there is one vacancy in the office of county
34 commissioner, the two remaining commissioners shall fill the vacancy.
35 If the two commissioners fail to agree upon a selection after the
36 expiration of five days from the day the vacancy occurred, the governor
37 shall appoint the third commissioner.

1 (4) Whenever there is a vacancy in the office of county
2 commissioner after the general election in a year that the position
3 appears on the ballot and before the start of the next term, the term
4 of the successor may commence once he or she has qualified as defined
5 in RCW 29.01.135 and shall continue through the term for which he or
6 she was elected.

7 **Sec. 4.** RCW 42.12.040 and 2002 c 108 s 2 are each amended to read
8 as follows:

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

21 (2) If a vacancy occurs in any legislative office or in any
22 partisan county office after the general election in a year that the
23 position appears on the ballot and before the start of the next term,
24 the term of the successor may commence once he or she has qualified as
25 defined in RCW 29.01.135 and shall continue through the term for which
26 he or she was elected.

27 NEW SECTION. **Sec. 5.** This act takes effect January 1, 2004, if
28 the proposed amendment to Article II, section 15 of the state
29 Constitution (HJR --) is validly submitted to and is approved and
30 ratified by the voters at a general election held in November 2003. If
31 the proposed amendment is not approved and ratified, this act is void
32 in its entirety.

--- END ---