

ESHB 1018 - S AMD 472

By Senators McDermott, Parlette

ADOPTED 04/23/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 29A.04.321 and 2006 c 344 s 2 are each amended to
4 read as follows:

5 (1) All state, county, city, town, and district general elections
6 for the election of federal, state, legislative, judicial, county,
7 city, town, and district officers, and for the submission to the voters
8 of the state, county, city, town, or district of any measure for their
9 adoption and approval or rejection, shall be held on the first Tuesday
10 after the first Monday of November, in the year in which they may be
11 called. A statewide general election shall be held on the first
12 Tuesday after the first Monday of November of each year. However, the
13 statewide general election held in odd-numbered years shall be limited
14 to (a) city, town, and district general elections as provided for in
15 RCW 29A.04.330, or as otherwise provided by law; (b) the election of
16 federal officers for the remainder of any unexpired terms in the
17 membership of either branch of the Congress of the United States; (c)
18 the election of state and county officers for the remainder of any
19 unexpired terms of offices created by or whose duties are described in
20 Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22,
21 and 23, and Article IV, sections 3 and 5 of the state Constitution and
22 RCW 2.06.080; (d) the election of county officers in any county
23 governed by a charter containing provisions calling for general county
24 elections at this time; and (e) the approval or rejection of state
25 measures, including proposed constitutional amendments, matters
26 pertaining to any proposed constitutional convention, initiative
27 measures and referendum measures proposed by the electorate, referendum
28 bills, and any other matter provided by the legislature for submission
29 to the electorate.

1 (2) A county legislative authority may call a special county
2 election by presenting a resolution to the county auditor prior to the
3 proposed election date. (~~Except as provided in subsection (4) of this~~
4 ~~section,~~) A special election called by the county legislative
5 authority shall be held on one of the following dates as decided by
6 such governing body:

7 (a) The (~~first~~) second Tuesday (~~after the first Monday~~) in
8 February;

9 (~~The second Tuesday in March;~~
10 ~~e~~) The fourth Tuesday in April;

11 (~~d~~) (c) The third Tuesday in May for tax levies that failed
12 previously in that calendar year and new bond issues;

13 (~~e~~) (d) The day of the primary as specified by RCW 29A.04.311;
14 or

15 (~~f~~) (e) The first Tuesday after the first Monday in November.

16 (3) A resolution calling for a special election on a date set forth
17 in subsection (2)(a) through (~~d~~) (c) of this section must be
18 presented to the county auditor at least (~~fifty-two~~) forty-five days
19 prior to the election date. A resolution calling for a special
20 election on a date set forth in subsection (2)(~~e~~) (d) or (~~f~~)
21 (e) of this section must be presented to the county auditor at least
22 eighty-four days prior to the election date.

23 (4) In addition to the dates set forth in subsection (2)(a) through
24 (~~f~~) (e) of this section, a special election to validate an excess
25 levy or bond issue may be called at any time to meet the needs
26 resulting from fire, flood, earthquake, or other act of God. Such
27 county special election shall be noticed and conducted in the manner
28 provided by law.

29 (~~In a presidential election year, if a presidential preference~~
30 ~~primary is conducted in February, March, April, or May under chapter~~
31 ~~29A.56 RCW, the date on which a special election may be called by the~~
32 ~~county legislative authority under subsection (2) of this section~~
33 ~~during the month of that primary is the date of the presidential~~
34 ~~primary.~~

35 (~~6~~) This section shall supersede the provisions of any and all
36 other statutes, whether general or special in nature, having different
37 dates for such city, town, and district elections, the purpose of this
38 section being to establish mandatory dates for holding elections except

1 for those elections held pursuant to a home-rule charter adopted under
2 Article XI, section 4 of the state Constitution. This section shall
3 not be construed as fixing the time for holding primary elections, or
4 elections for the recall of any elective public officer.

5 **Sec. 2.** RCW 29A.04.321 and 2006 c 344 s 2 are each amended to read
6 as follows:

7 (1) All state, county, city, town, and district general elections
8 for the election of federal, state, legislative, judicial, county,
9 city, town, and district officers, and for the submission to the voters
10 of the state, county, city, town, or district of any measure for their
11 adoption and approval or rejection, shall be held on the first Tuesday
12 after the first Monday of November, in the year in which they may be
13 called. A statewide general election shall be held on the first
14 Tuesday after the first Monday of November of each year. However, the
15 statewide general election held in odd-numbered years shall be limited
16 to (a) city, town, and district general elections as provided for in
17 RCW 29A.04.330, or as otherwise provided by law; (b) the election of
18 federal officers for the remainder of any unexpired terms in the
19 membership of either branch of the Congress of the United States; (c)
20 the election of state and county officers for the remainder of any
21 unexpired terms of offices created by or whose duties are described in
22 Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22,
23 and 23, and Article IV, sections 3 and 5 of the state Constitution and
24 RCW 2.06.080; (d) the election of county officers in any county
25 governed by a charter containing provisions calling for general county
26 elections at this time; and (e) the approval or rejection of state
27 measures, including proposed constitutional amendments, matters
28 pertaining to any proposed constitutional convention, initiative
29 measures and referendum measures proposed by the electorate, referendum
30 bills, and any other matter provided by the legislature for submission
31 to the electorate.

32 (2) A county legislative authority may call a special county
33 election by presenting a resolution to the county auditor prior to the
34 proposed election date. (~~Except as provided in subsection (4) of this~~
35 ~~section,~~) A special election called by the county legislative
36 authority shall be held on one of the following dates as decided by
37 such governing body:

1 (a) The ~~((first))~~ second Tuesday ~~((after the first Monday))~~ in
2 February;

3 (b) ~~((The second Tuesday in March;~~
4 ~~(+e+))~~ The fourth Tuesday in April;

5 ~~((+d) The third Tuesday in May;~~

6 ~~(+e+))~~ (c) The day of the primary as specified by RCW 29A.04.311; or

7 ~~((+f+))~~ (d) The first Tuesday after the first Monday in November.

8 (3) A resolution calling for a special election on a date set forth
9 in subsection (2)(a) ~~((through +d+))~~ and (b) of this section must be
10 presented to the county auditor at least ~~((fifty-two))~~ forty-five days
11 prior to the election date. A resolution calling for a special
12 election on a date set forth in subsection (2)~~((+e+))~~ (c) or ~~((+f+))~~
13 (d) of this section must be presented to the county auditor at least
14 eighty-four days prior to the election date.

15 (4) In addition to the dates set forth in subsection (2)(a) through
16 ~~((+f+))~~ (d) of this section, a special election to validate an excess
17 levy or bond issue may be called at any time to meet the needs
18 resulting from fire, flood, earthquake, or other act of God. Such
19 county special election shall be noticed and conducted in the manner
20 provided by law.

21 (5) ~~((In a presidential election year, if a presidential preference
22 primary is conducted in February, March, April, or May under chapter
23 29A.56 RCW, the date on which a special election may be called by the
24 county legislative authority under subsection (2) of this section
25 during the month of that primary is the date of the presidential
26 primary.~~

27 ~~(+6+))~~ This section shall supersede the provisions of any and all
28 other statutes, whether general or special in nature, having different
29 dates for such city, town, and district elections, the purpose of this
30 section being to establish mandatory dates for holding elections except
31 for those elections held pursuant to a home-rule charter adopted under
32 Article XI, section 4 of the state Constitution. This section shall
33 not be construed as fixing the time for holding primary elections, or
34 elections for the recall of any elective public officer.

35 **Sec. 3.** RCW 29A.04.330 and 2006 c 344 s 3 are each amended to read
36 as follows:

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

4 This section shall not apply to:

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

6 (b) Public utility districts, conservation districts, or district
7 elections at which the ownership of property within those districts is
8 a prerequisite to voting, all of which elections shall be held at the
9 times prescribed in the laws specifically applicable thereto;

10 (c) Consolidation proposals as provided for in RCW 28A.315.235 and
11 nonhigh capital fund aid proposals as provided for in chapter 28A.540
12 RCW.

13 (2) The county auditor, as ex officio supervisor of elections, upon
14 request in the form of a resolution of the governing body of a city,
15 town, or district, presented to the auditor prior to the proposed
16 election date, may call a special election in such city, town, or
17 district, and for the purpose of such special election he or she may
18 combine, unite, or divide precincts. ~~((Except as provided in
19 subsection (3) of this section,))~~ Such a special election shall be held
20 on one of the following dates as decided by the governing body:

21 (a) The ~~((first))~~ second Tuesday ~~((after the first Monday))~~ in
22 February;

23 ~~((The second Tuesday in March;~~

24 ~~(+e))~~ The fourth Tuesday in April;

25 ~~((+d))~~ (c) The third Tuesday in May for tax levies that failed
26 previously in that calendar year and new bond issues;

27 ~~((+e))~~ (d) The day of the primary election as specified by RCW
28 29A.04.311; or

29 ~~((+f))~~ (e) The first Tuesday after the first Monday in November.

30 (3) A resolution calling for a special election on a date set forth
31 in subsection (2)(a) through ~~((+d))~~ (c) of this section must be
32 presented to the county auditor at least ~~((fifty-two))~~ forty-five days
33 prior to the election date. A resolution calling for a special
34 election on a date set forth in subsection (2)~~((+e))~~ (d) or ~~((+f))~~
35 (e) of this section must be presented to the county auditor at least
36 eighty-four days prior to the election date.

37 (4) ~~((In a presidential election year, if a presidential preference
38 primary is conducted in February, March, April, or May under chapter~~

1 ~~29A.56 RCW, the date on which a special election may be called under~~
2 ~~subsection (2) of this section during the month of that primary is the~~
3 ~~date of the presidential primary.~~

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

13 ~~((6))~~ (5) This section shall supersede the provisions of any and
14 all other statutes, whether general or special in nature, having
15 different dates for such city, town, and district elections, the
16 purpose of this section being to establish mandatory dates for holding
17 elections.

18 **Sec. 4.** RCW 29A.04.330 and 2006 c 344 s 3 are each amended to read
19 as follows:

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

23 This section shall not apply to:

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

25 (b) Public utility districts, conservation districts, or district
26 elections at which the ownership of property within those districts is
27 a prerequisite to voting, all of which elections shall be held at the
28 times prescribed in the laws specifically applicable thereto;

29 (c) Consolidation proposals as provided for in RCW 28A.315.235 and
30 nonhigh capital fund aid proposals as provided for in chapter 28A.540
31 RCW.

32 (2) The county auditor, as ex officio supervisor of elections, upon
33 request in the form of a resolution of the governing body of a city,
34 town, or district, presented to the auditor prior to the proposed
35 election date, may call a special election in such city, town, or
36 district, and for the purpose of such special election he or she may

1 combine, unite, or divide precincts. (~~Except as provided in~~
2 ~~subsection (3) of this section,~~) Such a special election shall be held
3 on one of the following dates as decided by the governing body:

4 (a) The (~~first~~) second Tuesday (~~after the first Monday~~) in
5 February;

6 (b) (~~The second Tuesday in March;~~
7 ~~e~~) The fourth Tuesday in April;

8 (~~d~~) ~~The third Tuesday in May;~~

9 ~~e~~) (c) The day of the primary election as specified by RCW
10 29A.04.311; or

11 ~~f~~) (d) The first Tuesday after the first Monday in November.

12 (3) A resolution calling for a special election on a date set forth
13 in subsection (2)(a) (~~through d~~) and (b) of this section must be
14 presented to the county auditor at least (~~fifty-two~~) forty-five days
15 prior to the election date. A resolution calling for a special
16 election on a date set forth in subsection (2)(~~e~~) (c) or (~~f~~)
17 (d) of this section must be presented to the county auditor at least
18 eighty-four days prior to the election date.

19 (4) (~~In a presidential election year, if a presidential preference~~
20 ~~primary is conducted in February, March, April, or May under chapter~~
21 ~~29A.56 RCW, the date on which a special election may be called under~~
22 ~~subsection (2) of this section during the month of that primary is the~~
23 ~~date of the presidential primary.~~

24 ~~5~~) In addition to subsection (2)(a) through (~~f~~) (d) of this
25 section, a special election to validate an excess levy or bond issue
26 may be called at any time to meet the needs resulting from fire, flood,
27 earthquake, or other act of God, except that no special election may be
28 held between the first day for candidates to file for public office and
29 the last day to certify the returns of the general election other than
30 as provided in subsection (2)(~~e~~) (c) and (~~f~~) (d) of this
31 section. Such special election shall be conducted and notice thereof
32 given in the manner provided by law.

33 (~~6~~) (5) This section shall supersede the provisions of any and
34 all other statutes, whether general or special in nature, having
35 different dates for such city, town, and district elections, the
36 purpose of this section being to establish mandatory dates for holding
37 elections.

1 NEW SECTION. **Sec. 5.** Sections 1 and 3 of this act expire July 1,
2 2011.

3 NEW SECTION. **Sec. 6.** Sections 2 and 4 of this act take effect
4 July 1, 2011."

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By Senators McDermott, Parlette

ADOPTED 04/23/2009

5 On page 1, line 2 of the title, after "held;" strike the remainder
6 of the title and insert "amending RCW 29A.04.321, 29A.04.321,
7 29A.04.330, and 29A.04.330; providing an effective date; and providing
8 an expiration date."

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