
SENATE BILL 5728

State of Washington 61st Legislature 2009 Regular Session

By Senators McDermott, Fairley, Oemig, Pridemore, and Shin

Read first time 01/29/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to elections to fill the remainder of unexpired
2 terms of office for certain statewide elected officials; and amending
3 RCW 29A.04.321.

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

5 **Sec. 1.** 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)

1 the election of state and county officers for the remainder of any
2 unexpired terms of offices created by or whose duties are described in
3 Article II, section 15, Article III, (~~sections 16, 17, 19, 20, 21, 22,~~
4 ~~and 23,~~) and Article IV, sections 3 and 5 of the state Constitution
5 and RCW 2.06.080; (d) the election of county officers in any county
6 governed by a charter containing provisions calling for general county
7 elections at this time; and (e) the approval or rejection of state
8 measures, including proposed constitutional amendments, matters
9 pertaining to any proposed constitutional convention, initiative
10 measures and referendum measures proposed by the electorate, referendum
11 bills, and any other matter provided by the legislature for submission
12 to the electorate.

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

- 19 (a) The first Tuesday after the first Monday in February;
- 20 (b) The second Tuesday in March;
- 21 (c) The fourth Tuesday in April;
- 22 (d) The third Tuesday in May;
- 23 (e) The day of the primary as specified by RCW 29A.04.311; or
- 24 (f) The first Tuesday after the first Monday in November.

25 (3) A resolution calling for a special election on a date set forth
26 in subsection (2)(a) through (d) of this section must be presented to
27 the county auditor at least fifty-two days prior to the election date.
28 A resolution calling for a special election on a date set forth in
29 subsection (2)(e) or (f) of this section must be presented to the
30 county auditor at least eighty-four days prior to the election date.

31 (4) 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 (5) In a presidential election year, if a presidential preference
37 primary is conducted in February, March, April, or May under chapter
38 29A.56 RCW, the date on which a special election may be called by the

1 county legislative authority under subsection (2) of this section
2 during the month of that primary is the date of the presidential
3 primary.

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

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