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SENATE BILL 6688

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State of Washington

61st Legislature

2010 Regular Session

By Senators Fairley and Shin

Read first time 01/21/10. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to filling vacancies in nonpartisan local elective  
2 office; amending RCW 36.16.110; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that a number of  
5 counties have moved to designate certain countywide elective offices as  
6 nonpartisan. Because the creation of these nonpartisan offices is a  
7 relatively new occurrence, there is not a mechanism in the state  
8 Constitution or statutory laws to fill vacancies in these offices. The  
9 legislature also finds that many local governments have not created a  
10 mechanism for expediently filling the vacancies. The legislature  
11 further finds the following: Political representation is an important  
12 and fundamental aspect of elective government; vacancies in elective  
13 office effectively disenfranchise portions of the state's citizenry;  
14 vacancies in elective office can hamper or completely stall the  
15 efficient administration of all aspects of governance, including the  
16 appointment of inferior office holders responsible for the  
17 administration of health, public safety, and a myriad of social  
18 services; and that all of these governing functions represent public  
19 policy considerations of broad concern. Therefore, it is the

1 responsibility and intent of the legislature to provide a mechanism for  
2 filling vacancies in these offices that is in keeping with the state  
3 Constitution and current statute.

4 **Sec. 2.** RCW 36.16.110 and 2003 c 238 s 1 are each amended to read  
5 as follows:

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

13 (2) If a vacancy occurs in a partisan county office after the  
14 general election in a year that the position appears on the ballot and  
15 before the start of the next term, the term of the successor who is of  
16 the same party as the incumbent may commence once he or she has  
17 qualified as defined in RCW ((29.01.135)) 29A.04.133 and shall continue  
18 through the term for which he or she was elected.

19 (3) If a vacancy occurs in nonpartisan county elective office, the  
20 person appointed to fill the vacancy must be from the same legislative  
21 district, county, or county commissioner or council district as the  
22 county elective officer whose office was vacated, and must be one of  
23 three persons who must be nominated by the nonpartisan executive or  
24 nonpartisan chair of the board of commissioners for the county. In  
25 case a majority of the members of the county legislative authority do  
26 not agree upon the appointment within thirty days after the vacancy  
27 occurs, the governor shall within fifteen days thereafter, and from the  
28 list of nominees provided for in this section, appoint someone to fill  
29 the vacancy.

30 (4) If a vacancy occurs in a nonpartisan county office after the  
31 general election in a year that the position appears on the ballot and  
32 before the start of the next term, the term of the successor may  
33 commence once he or she has qualified as defined in RCW 29A.04.133 and  
34 shall continue through the term for which he or she was elected.

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