

2SHB 1195 - S COMM AMD

By Committee on Governmental Operations

OUT OF ORDER 04/28/2013

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

3 "Sec. 1. RCW 29A.24.171 and 2011 c 349 s 10 are each amended to
4 read as follows:

5 (1) If, prior to the first day of the regular filing period, a
6 vacancy occurs in an office that is not scheduled to appear on the
7 general election ballot, leaving an unexpired term for which a
8 successor must be elected at the next general election, filings for
9 that office shall be accepted during the regular filing period. The
10 filing officer shall provide notice of the vacancy and filing period to
11 newspapers, radio, and television in the county, and online. The
12 position shall appear on the primary and general election ballots
13 unless (~~no primary is required or unless~~) a candidate for superior
14 court judge is entitled to a certificate of election pursuant to
15 Article (~~(4-[IV])~~) IV, section 29 of the state Constitution.

16 (2) If, on the first day of the regular filing period or later, a
17 vacancy occurs in an office that is not scheduled to appear on the
18 general election ballot, leaving an unexpired term, the election of the
19 successor shall occur at the next succeeding general election that the
20 office is allowed by law to have an election.

21 **Sec. 2.** RCW 29A.36.101 and 2004 c 271 s 125 are each amended to
22 read as follows:

23 Except for the candidates for (~~the positions of~~) president and
24 vice president, (~~for a partisan or nonpartisan office for which no
25 primary is required, or for independent or minor party candidates,~~)
26 the names of all candidates who, under this title, filed a declaration
27 of candidacy (~~or were certified as a candidate to fill a vacancy on a
28 major party ticket will~~) must appear on the appropriate ballot at the

1 primary throughout the jurisdiction (~~(in which they are to be~~
2 ~~nominated)~~).

3 **Sec. 3.** RCW 29A.36.131 and 2011 c 10 s 32 are each amended to read
4 as follows:

5 After the close of business on the last day for candidates to file
6 for office, the filing officer shall(~~(, from among those filings made~~
7 ~~in person and by mail,)~~) determine by lot the order in which the names
8 of those candidates will appear on all ballots. The determination
9 shall be done publicly and may be witnessed by the media and by any
10 candidate. (~~(If no primary is required for any nonpartisan office~~
11 ~~under RCW 29A.52.011 or 29A.52.220, or if any independent or minor~~
12 ~~party candidate files a declaration of candidacy, the names shall~~
13 ~~appear on the general election ballot in the order determined by lot.)~~)

14 **Sec. 4.** RCW 29A.36.170 and 2005 c 2 s 6 are each reenacted and
15 amended to read as follows:

16 (~~((1) For any office for which a primary was held,)~~) Only the names
17 of the top two candidates in a contested primary will appear on the
18 general election ballot; the name of the candidate who received the
19 greatest number of votes in the primary will appear first and the
20 candidate who received the next greatest number of votes in the primary
21 will appear second. No candidate's name may be printed on the
22 subsequent general election ballot unless he or she receives at least
23 one percent of the total votes cast for that office at the preceding
24 primary(~~(, if a primary was conducted. On the ballot at the general~~
25 ~~election for an office for which no primary was held, the names of the~~
26 ~~candidates shall be listed in the order determined under RCW~~
27 ~~29A.36.130)~~).

28 (~~((2) For the office of justice of the supreme court, judge of the~~
29 ~~court of appeals, judge of the superior court, or state superintendent~~
30 ~~of public instruction, if a candidate in a contested primary receives~~
31 ~~a majority of all the votes cast for that office or position, only the~~
32 ~~name of that candidate may be printed for that position on the ballot~~
33 ~~at the general election.)~~)

34 **Sec. 5.** RCW 29A.52.210 and 2003 c 111 s 1305 are each amended to
35 read as follows:

1 All city and town primaries shall be nonpartisan. Primaries for
2 special purpose districts, except those districts that require
3 ownership of property within the district as a prerequisite to voting,
4 shall be nonpartisan. City, town, and district primaries shall be held
5 as provided in RCW (~~(29A.04.310)~~) 29A.04.311.

6 The purpose of this section is to establish the holding of a
7 primary(~~(, subject to the exemptions in RCW 29A.52.220,)~~) as a uniform
8 procedural requirement to the holding of city, town, and district
9 elections. These provisions supersede any and all other statutes,
10 whether general or special in nature, having different election
11 requirements.

12 **Sec. 6.** RCW 36.69.090 and 1996 c 324 s 2 are each amended to read
13 as follows:

14 A park and recreation district shall be governed by a board of five
15 commissioners. Except for the initial commissioners, all commissioners
16 shall be elected to staggered four-year terms of office and shall serve
17 until their successors are elected and qualified and assume office in
18 accordance with RCW (~~(29.04.170)~~) 29A.20.040. Candidates shall run for
19 specific commissioner positions.

20 Elections for park and recreation district commissioners shall be
21 held biennially in conjunction with the general election in each odd-
22 numbered year. Elections shall be held in accordance with the
23 provisions of Title 29A RCW dealing with general elections(~~(, except
24 that there shall be no primary to nominate candidates. All persons
25 filing and qualifying shall appear on the general election ballot and
26 the person receiving the largest number of votes for each position
27 shall be elected)~~)).

28 **Sec. 7.** RCW 42.12.070 and 2011 c 349 s 28 are each amended to read
29 as follows:

30 A vacancy on an elected nonpartisan governing body of a special
31 purpose district where property ownership is not a qualification to
32 vote, a town, or a city other than a first-class city or a charter code
33 city, shall be filled as follows unless the provisions of law relating
34 to the special district, town, or city provide otherwise:

35 (1) Where one position is vacant, the remaining members of the

1 governing body shall appoint a qualified person to fill the vacant
2 position.

3 (2) Where two or more positions are vacant and two or more members
4 of the governing body remain in office, the remaining members of the
5 governing body shall appoint a qualified person to fill one of the
6 vacant positions, the remaining members of the governing body and the
7 newly appointed person shall appoint another qualified person to fill
8 another vacant position, and so on until each of the vacant positions
9 is filled with each of the new appointees participating in each
10 appointment that is made after his or her appointment.

11 (3) If less than two members of a governing body remain in office,
12 the county legislative authority of the county in which all or the
13 largest geographic portion of the city, town, or special district is
14 located shall appoint a qualified person or persons to the governing
15 body until the governing body has two members.

16 (4) If a governing body fails to appoint a qualified person to fill
17 a vacancy within ninety days of the occurrence of the vacancy, the
18 authority of the governing body to fill the vacancy shall cease and the
19 county legislative authority of the county in which all or the largest
20 geographic portion of the city, town, or special district is located
21 shall appoint a qualified person to fill the vacancy.

22 (5) If the county legislative authority of the county fails to
23 appoint a qualified person within one hundred eighty days of the
24 occurrence of the vacancy, the county legislative authority or the
25 remaining members of the governing body of the city, town, or special
26 district may petition the governor to appoint a qualified person to
27 fill the vacancy. The governor may appoint a qualified person to fill
28 the vacancy after being petitioned if at the time the governor fills
29 the vacancy the county legislative authority has not appointed a
30 qualified person to fill the vacancy.

31 (6) As provided in chapter 29A.24 RCW, each person who is appointed
32 shall serve until a qualified person is elected at the next election at
33 which a member of the governing body normally would be elected. If
34 needed, special filing periods shall be authorized as provided in
35 chapter 29A.24 RCW for qualified persons to file for the vacant office.
36 A primary shall be held to qualify candidates if sufficient time exists
37 to hold a primary (~~and more than two candidates file for the vacant~~
38 ~~office)). Otherwise, a primary shall not be held and the person~~

1 receiving the greatest number of votes shall be elected. The person
2 elected shall take office immediately and serve the remainder of the
3 unexpired term.

4 If an election for the position that became vacant would otherwise
5 have been held at this general election date, only one election to fill
6 the position shall be held and the person elected to fill the
7 succeeding term for that position shall take office immediately when
8 qualified as defined in RCW 29A.04.133 and shall service both the
9 remainder of the unexpired term and the succeeding term.

10 **Sec. 8.** RCW 68.52.140 and 1996 c 324 s 3 are each amended to read
11 as follows:

12 The county legislative authority shall have full authority to hear
13 and determine the petition, and if it finds that the formation of the
14 district will be conducive to the public welfare and convenience, it
15 shall by resolution so declare, otherwise it shall deny the petition.
16 If the county legislative authority finds in favor of the formation of
17 the district, it shall designate the name and number of the district,
18 fix the boundaries thereof, and cause an election to be held therein
19 for the purpose of determining whether or not the district shall be
20 organized under the provisions of this chapter, and for the purpose of
21 electing its first cemetery district commissioners. At the same
22 election three cemetery district commissioners shall be elected, but
23 the election of the commissioners shall be null and void if the
24 district is not created. (~~((No primary shall be held for the office of
25 cemetery district commissioner.))~~) A special filing period shall be
26 opened as provided in RCW (~~((29.15.170))~~) 29A.24.171 and (~~((29.15.180))~~)
27 29A.24.181. Candidates shall run for specific commissioner positions.
28 The person receiving the greatest number of votes for each commissioner
29 position shall be elected to that commissioner position. The terms of
30 office of the initial commissioners shall be as provided in RCW
31 68.52.220.

32 **Sec. 9.** RCW 68.52.155 and 1996 c 324 s 4 are each amended to read
33 as follows:

34 Cemetery district elections shall conform with general election
35 laws(~~(, except that there shall be no primary to nominate candidates.~~

1 ~~All persons filing and qualifying shall appear on the general election~~
2 ~~ballot and the person receiving the largest number of votes for each~~
3 ~~position shall be elected)).~~

4 A vacancy on a board of cemetery district commissioners shall occur
5 and shall be filled as provided in chapter 42.12 RCW.

6 NEW SECTION. **Sec. 10.** The following acts or parts of acts are
7 each repealed:

8 (1) RCW 29A.36.171 (Nonpartisan candidates qualified for general
9 election) and 2004 c 271 s 170;

10 (2) RCW 29A.52.010 (Elections to fill unexpired term--No primary,
11 when) and 2005 c 2 s 13 & 2003 c 111 s 1301;

12 (3) RCW 29A.52.011 (Elections to fill unexpired term--No primary,
13 when) and 2006 c 344 s 14 & 2004 c 271 s 172; and

14 (4) RCW 29A.52.220 (When no local primary permitted--Procedure--
15 Expiration of subsection) and 2005 c 153 s 10 & 2003 c 111 s 1306.

16 NEW SECTION. **Sec. 11.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and takes effect
19 immediately."

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20 On page 1, line 1 of the title, after "ballot;" strike the
21 remainder of the title and insert "amending RCW 29A.24.171, 29A.36.101,
22 29A.36.131, 29A.52.210, 36.69.090, 42.12.070, 68.52.140, and 68.52.155;
23 reenacting and amending RCW 29A.36.170; repealing RCW 29A.36.171,
24 29A.52.010, 29A.52.011, and 29A.52.220; and declaring an emergency."

EFFECT: Requires a primary election to be held in all local

aces, regardless of how many candidates file for the position. Corrects cross-references to situations where no primary was previously required.

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