
SENATE BILL 6015

State of Washington

53rd Legislature

1994 Regular Session

By Senators Haugen and Winsley

Read first time 01/10/94. Referred to Committee on Government Operations.

1 AN ACT Relating to local government elections; amending RCW
2 42.12.010, 42.12.010, 43.06.010, 14.08.304, 28A.315.520, 29.15.050,
3 29.15.120, 29.15.200, 35.17.020, 35.17.400, 35.18.020, 35.18.270,
4 35.23.240, 35.23.530, 35.24.050, 35.24.100, 35.24.290, 35.27.140,
5 35.61.050, 35A.01.070, 35A.02.050, 35A.02.130, 35A.06.020, 35A.06.030,
6 35A.06.050, 35A.12.010, 35A.12.040, 35A.12.050, 35A.12.180, 35A.13.010,
7 35A.13.020, 35A.14.060, 35A.14.070, 35A.15.040, 35A.16.030, 36.69.020,
8 36.69.070, 36.69.080, 36.69.090, 36.69.100, 36.69.440, 52.14.010,
9 52.14.015, 52.14.030, 52.14.050, 52.14.060, 53.12.140, 54.08.060,
10 54.12.010, 54.40.070, 56.12.020, 56.12.030, 57.02.050, 57.12.020,
11 57.12.030, 57.12.039, 57.32.022, 57.32.023, 68.52.100, 68.52.140,
12 68.52.160, 68.52.220, 70.44.040, 70.44.045, and 70.44.053; adding a new
13 section to chapter 42.12 RCW; adding a new section to chapter 29.15
14 RCW; adding a new section to chapter 35.02 RCW; adding a new section to
15 chapter 56.12 RCW; adding a new section to chapter 68.52 RCW; repealing
16 RCW 35.23.050, 35.23.070, 35.24.060, 35.24.070, 35.27.100, 35.27.110,
17 35.61.060, 35.61.070, 35.61.080, 35A.02.001, 35A.02.100, 35A.02.110,
18 35A.12.060, 35A.14.060, 35A.15.030, 35A.16.020, 35A.29.010, 35A.29.020,
19 35A.29.030, 35A.29.040, 35A.29.050, 35A.29.060, 35A.29.070, 35A.29.080,
20 35A.29.090, 35A.29.100, 35A.29.105, 35A.29.110, 35A.29.140, 35A.29.150,
21 36.54.080, 36.54.090, 36.54.100, 36.69.060, 44.70.010, 53.12.047,

1 53.12.150, 57.02.060, 68.52.240, 70.44.051, 70.44.055, and 70.44.057;
2 providing effective dates; and providing an expiration date.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.12 RCW
5 to read as follows:

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

11 (1) Where one position is vacant, the remaining members of the
12 governing body shall appoint a qualified person to fill the vacant
13 position.

14 (2) Where two or more positions are vacant and two or more members
15 of the governing body remain in office, the remaining members of the
16 governing body shall appoint a qualified person to fill one of the
17 vacant positions, the remaining members of the governing body and the
18 newly appointed person shall appoint another qualified person to fill
19 another vacant position, and so on until each of the vacant positions
20 is filled with each of the new appointees participating in each
21 appointment that is made after his or her appointment.

22 (3) If less than two members of a governing body remain in office,
23 the county legislative authority of the county in which all or the
24 largest geographic portion of the city, town, or special purpose
25 district is located shall appoint a qualified person or persons to the
26 governing body until the governing body has two members.

27 (4) If a governing body fails to appoint a qualified person to fill
28 a vacancy within ninety days of the occurrence of the vacancy, the
29 authority of the governing body to fill the vacancy shall cease and the
30 county legislative authority of the county in which all or the largest
31 geographic portion of the city, town, or special purpose district is
32 located shall appoint a qualified person to fill the vacancy.

33 (5) If the county legislative authority fails to appoint a
34 qualified person within one hundred eighty days of the occurrence of
35 the vacancy, the county legislative authority or a remaining member of
36 the governing body of the city, town, or special purpose district may
37 petition the governor to appoint a qualified person to fill the

1 vacancy. The governor may appoint a qualified person to fill the
2 vacancy after being petitioned if at the time the governor fills the
3 vacancy the county legislative authority has not appointed a qualified
4 person to fill the vacancy.

5 (6) As provided in RCW 29.15.190 and 29.21.410, each person who is
6 appointed shall serve until a qualified person is elected at the next
7 election at which a member of the governing body normally would be
8 elected that occurs twenty-eight or more days after the occurrence of
9 the vacancy. If needed, special filing periods shall be authorized as
10 provided in RCW 29.15.170 and 29.15.180 for qualified persons to file
11 for the vacant office. A primary shall be held to nominate candidates
12 if sufficient time exists to hold a primary and more than two
13 candidates file for the vacant office. Otherwise, a primary shall not
14 be held and the person receiving the greatest number of votes shall be
15 elected. The person elected shall take office immediately and serve
16 the remainder of the unexpired term.

17 If an election for the position that became vacant would otherwise
18 have been held at this general election date, only one election to fill
19 the position shall be held and the person elected to fill the
20 succeeding term for that position shall take office immediately when
21 qualified as defined in RCW 29.01.135 and shall serve both the
22 remainder of the unexpired term and the succeeding term.

23 **Sec. 2.** RCW 42.12.010 and 1981 c 180 s 4 are each amended to read
24 as follows:

25 Every elective office shall become vacant on the happening of any
26 of the following events:

27 (1) The death of the incumbent;

28 (2) His or her resignation. A vacancy caused by resignation shall
29 be deemed to occur upon the effective date of the resignation;

30 (3) His or her removal;

31 (4) His or her ceasing to be a legally ((qualified elector))
32 registered voter of the district, county, city, town, or other
33 municipal or quasi municipal corporation from which he or she shall
34 have been elected or appointed, including where applicable the council
35 district, commissioner district, or ward from which he or she shall
36 have been elected or appointed;

37 (5) His or her conviction of a felony, or of any offense involving
38 a violation of his or her official oath;

1 (6) His or her refusal or neglect to take his or her oath of
2 office, or to give or renew his or her official bond, or to deposit
3 such oath or bond within the time prescribed by law;

4 (7) The decision of a competent tribunal declaring void his or her
5 election or appointment; or

6 (8) Whenever a judgment shall be obtained against that incumbent
7 for breach of the condition of his or her official bond.

8 **Sec. 3.** RCW 42.12.010 and 1993 c 317 s 9 are each amended to read
9 as follows:

10 Every elective office shall become vacant on the happening of any
11 of the following events:

12 (1) The death of the incumbent;

13 (2) His or her resignation. A vacancy caused by resignation shall
14 be deemed to occur upon the effective date of the resignation;

15 (3) His or her removal;

16 (4) Except as provided in RCW 3.46.067 and 3.50.057, his or her
17 ceasing to be a legally (~~qualified elector~~) registered voter of the
18 district, county, city, town, or other municipal or quasi municipal
19 corporation from which he or she shall have been elected or appointed,
20 including where applicable the council district, commissioner district,
21 or ward from which he or she shall have been elected or appointed;

22 (5) His or her conviction of a felony, or of any offense involving
23 a violation of his or her official oath;

24 (6) His or her refusal or neglect to take his or her oath of
25 office, or to give or renew his or her official bond, or to deposit
26 such oath or bond within the time prescribed by law;

27 (7) The decision of a competent tribunal declaring void his or her
28 election or appointment; or

29 (8) Whenever a judgment shall be obtained against that incumbent
30 for breach of the condition of his or her official bond.

31 **Sec. 4.** RCW 43.06.010 and 1993 c 142 s 5 are each amended to read
32 as follows:

33 In addition to those prescribed by the Constitution, the governor
34 may exercise the powers and perform the duties prescribed in this and
35 the following sections:

36 (1) The governor shall supervise the conduct of all executive and
37 ministerial offices;

1 (2) The governor shall see that all offices are filled, including
2 as provided in section 1 of this act, and the duties thereof performed,
3 or in default thereof, apply such remedy as the law allows; and if the
4 remedy is imperfect, acquaint the legislature therewith at its next
5 session;

6 (3) The governor shall make the appointments and supply the
7 vacancies mentioned in this title;

8 (4) The governor is the sole official organ of communication
9 between the government of this state and the government of any other
10 state or territory, or of the United States;

11 (5) Whenever any suit or legal proceeding is pending against this
12 state, or which may affect the title of this state to any property, or
13 which may result in any claim against the state, the governor may
14 direct the attorney general to appear on behalf of the state, and
15 report the same to the governor, or to any grand jury designated by the
16 governor, or to the legislature when next in session;

17 (6) The governor may require the attorney general or any
18 prosecuting attorney to inquire into the affairs or management of any
19 corporation existing under the laws of this state, or doing business in
20 this state, and report the same to the governor, or to any grand jury
21 designated by the governor, or to the legislature when next in session;

22 (7) The governor may require the attorney general to aid any
23 prosecuting attorney in the discharge of ~~((his))~~ the prosecutor's
24 duties;

25 (8) The governor may offer rewards, not exceeding one thousand
26 dollars in each case, payable out of the state treasury, for
27 information leading to the apprehension of any person convicted of a
28 felony who has escaped from a state correctional institution or for
29 information leading to the arrest of any person who has committed or is
30 charged with the commission of a felony;

31 (9) The governor shall perform such duties respecting fugitives
32 from justice as are prescribed by law;

33 (10) The governor shall issue and transmit election proclamations
34 as prescribed by law;

35 (11) The governor may require any officer or board to make, upon
36 demand, special reports to the governor, in writing;

37 (12) The governor may, after finding that a public disorder,
38 disaster, energy emergency, or riot exists within this state or any
39 part thereof which affects life, health, property, or the public peace,

1 proclaim a state of emergency in the area affected, and the powers
2 granted the governor during a state of emergency shall be effective
3 only within the area described in the proclamation;

4 (13) The governor may, after finding that there exists within this
5 state an imminent danger of infestation of plant pests as defined in
6 RCW 17.24.007 or plant diseases which seriously endangers the
7 agricultural or horticultural industries of the state of Washington, or
8 which seriously threatens life, health, or economic well-being, order
9 emergency measures to prevent or abate the infestation or disease
10 situation, which measures, after thorough evaluation of all other
11 alternatives, may include the aerial application of pesticides;

12 (14) On all compacts forwarded to the governor pursuant to RCW
13 9.46.360(6), the governor is authorized and empowered to execute on
14 behalf of the state compacts with federally recognized Indian tribes in
15 the state of Washington pursuant to the federal Indian Gaming
16 Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III
17 gaming, as defined in the Act, on Indian lands.

18 **Sec. 5.** RCW 14.08.304 and 1979 ex.s. c 126 s 3 are each amended to
19 read as follows:

20 The board of airport district commissioners shall consist of three
21 members(~~(, who shall each be a registered voter and actually a resident~~
22 ~~of the district)~~). The first commissioners shall be appointed by the
23 county legislative authority. At the next general district election,
24 held as provided in RCW 29.13.020, three airport district commissioners
25 shall be elected. The terms of office of airport district
26 commissioners shall be two years, or until their successors are elected
27 and qualified and have assumed office in accordance with RCW 29.04.170.
28 Members of the board of airport district commissioners shall be elected
29 at each regular district general election on a nonpartisan basis in
30 accordance with the general election law. (~~(They shall be nominated by~~
31 ~~petition of ten registered voters of the district.)~~) Vacancies on the
32 board of airport district commissioners shall occur and shall be filled
33 (~~(by appointment by the remaining commissioners)~~) as provided in
34 chapter 42.12 RCW. Members of the board of airport district
35 commissioners shall receive no compensation for their services, but
36 shall be reimbursed for actual necessary traveling and sustenance
37 expenses incurred while engaged on official business.

1 **Sec. 6.** RCW 28A.315.520 and 1971 c 53 s 4 are each amended to read
2 as follows:

3 A majority of all members of the board of directors shall
4 constitute a quorum. Absence of any board member from four consecutive
5 regular meetings of the board, unless on account of sickness or
6 authorized by resolution of the board, shall be sufficient cause for
7 the remaining members of the board to declare by resolution that such
8 board member position is vacated. In addition, vacancies shall occur
9 as provided in RCW 42.12.010.

10 **Sec. 7.** RCW 29.15.050 and 1990 c 59 s 85 are each amended to read
11 as follows:

12 A filing fee of one dollar shall accompany each declaration of
13 candidacy for precinct committee officer; a filing fee of ~~((ten))~~
14 twenty dollars shall accompany the declaration of candidacy for any
15 office with a fixed annual salary of one thousand dollars or less; a
16 filing fee equal to one percent of the annual salary of the office at
17 the time of filing shall accompany the declaration of candidacy for any
18 office with a fixed annual salary of more than one thousand dollars per
19 annum. No filing fee need accompany a declaration of candidacy for any
20 office for which compensation is on a per diem or per meeting attended
21 basis, nor for the filing of any declaration of candidacy by a write-in
22 candidate.

23 A candidate who lacks sufficient assets or income at the time of
24 filing to pay the filing fee required by this section shall submit with
25 his or her declaration of candidacy a nominating petition. The
26 petition shall contain not less than a number of signatures of
27 registered voters equal to the number of dollars of the filing fee.
28 The signatures shall be of voters registered to vote within the
29 jurisdiction of the office for which the candidate is filing.

30 When the candidacy is for(~~(+~~
31 ~~(1))~~) a legislative or judicial office that includes territory from
32 more than one county, the fee shall be paid to the secretary of state
33 for equal division between the treasuries of the counties comprising
34 the district.

35 ~~((2) A city or town office, the fee shall be paid to the county~~
36 ~~auditor who shall transmit it to the city or town clerk for deposit in~~
37 ~~the city or town treasury.))~~

1 **Sec. 8.** RCW 29.15.120 and 1990 c 59 s 86 are each amended to read
2 as follows:

3 A candidate may withdraw his or her declaration of candidacy at any
4 time before the close of business on the Thursday following the last
5 day for candidates to file under RCW 29.15.020 by filing, with the
6 officer with whom the declaration of candidacy was filed, a signed
7 request that his or her name not be printed on the ballot. There shall
8 be no withdrawal period for declarations of candidacy filed during
9 special filing periods held under this title. The filing officer may
10 permit the withdrawal of a filing for the office of precinct committee
11 officer at the request of the candidate at any time if no absentee
12 ballots have been issued for that office and the general election
13 ballots for that precinct have not been printed. The filing officer
14 may permit the withdrawal of a filing for any elected office of a city,
15 town, or special purpose district at the request of the candidate at
16 any time before a primary if the primary ballots for that city, town,
17 or special purpose district have not been ordered. No filing fee may
18 be refunded to any candidate who withdraws under this section. Notice
19 of the deadline for withdrawal of candidacy and that the filing fee is
20 not refundable shall be given to each candidate at the time he or she
21 files.

22 NEW SECTION. **Sec. 9.** A new section is added to chapter 29.15 RCW
23 to read as follows:

24 Each person who files a declaration of candidacy for an elected
25 office of a city, town, or special purpose district shall be given
26 written notice of the date by which a candidate may withdraw his or her
27 candidacy under RCW 29.15.120.

28 **Sec. 10.** RCW 29.15.200 and 1975-'76 2nd ex.s. c 120 s 13 are each
29 amended to read as follows:

30 If after both the normal filing period and special three day filing
31 period as provided by RCW 29.15.170 and 29.15.180(~~(, as now or~~
32 ~~hereafter amended,~~)) have passed (~~(and still)~~), no candidate has filed
33 for any single city, town, or district position to be filled, the
34 election for such position shall be deemed lapsed, the office deemed
35 stricken from the ballot and no write-in votes counted. In such
36 instance, the incumbent occupying such position shall remain in office
37 and continue to serve until (~~(his)~~) a successor is elected at the next

1 election when such positions are voted upon (~~as provided by RCW~~
2 ~~29.21.410, as now or hereafter amended~~)).

3 NEW SECTION. **Sec. 11.** A new section is added to chapter 35.02 RCW
4 to read as follows:

5 An election shall be held to elect city or town elected officials
6 at the next municipal general election occurring more than twelve
7 months after the date of the first election of councilmembers or
8 commissioners. Candidates shall run for specific council or commission
9 positions. The staggering of terms of members of the city or town
10 council shall be established at this election, where the simple
11 majority of the persons elected as councilmembers receiving the
12 greatest numbers of votes shall be elected to four-year terms of office
13 and the remainder of the persons elected as councilmembers shall be
14 elected to two-year terms of office. Newly elected councilmembers or
15 newly elected commissioners shall serve until their successors are
16 elected and qualified. The terms of office of newly elected
17 commissioners shall not be staggered, as provided in chapter 35.17 RCW.
18 All councilmembers and commissioners who are elected subsequently shall
19 be elected to four-year terms of office and shall serve until their
20 successors are elected and qualified and assume office in accordance
21 with RCW 29.04.170.

22 **Sec. 12.** RCW 35.17.020 and 1979 ex.s. c 126 s 17 are each amended
23 to read as follows:

24 All regular elections in cities organized under the statutory
25 commission form of government shall be held quadrennially in the odd-
26 numbered years on the dates provided in RCW 29.13.020. The
27 commissioners shall be nominated and elected at large. Their terms
28 shall be for four years and until their successors are elected and
29 qualified and assume office in accordance with RCW 29.04.170. (~~If a~~
30 ~~vacancy occurs in the commission the remaining members shall appoint a~~
31 ~~person to fill it for the unexpired term.~~) Vacancies on a commission
32 shall occur and shall be filled as provided in chapter 42.12 RCW,
33 except that in every instance an election shall be conducted to fill
34 the remainder of the unexpired term at the next general municipal
35 election that occurs twenty-eight or more days after the occurrence of
36 the vacancy.

1 **Sec. 13.** RCW 35.17.400 and 1979 ex.s. c 126 s 18 are each amended
2 to read as follows:

3 The first election of commissioners shall be held ~~((within))~~ at the
4 next special election that occurs at least sixty days after the
5 ~~((adoption of))~~ election results are certified where the proposition to
6 organize under the commission form was approved by city voters, and the
7 commission first elected shall commence to serve as soon as they have
8 been elected and have qualified and shall continue to serve until their
9 successors have been elected and qualified and have assumed office in
10 accordance with RCW 29.04.170. The date of the second election for
11 commissioners shall be in accordance with RCW 29.13.020 such that the
12 term of the first commissioners will be as near as possible to, but not
13 in excess of, four years calculated from the first day in January in
14 the year after the year in which the first commissioners were elected.

15 **Sec. 14.** RCW 35.18.020 and 1981 c 260 s 7 are each amended to read
16 as follows:

17 (1) The number of ~~((councilmen))~~ councilmembers in a city or town
18 operating with a council-manager plan of government shall be ((in
19 proportion to the population of the city or town indicated in its
20 petition for incorporation and thereafter shall be in proportion to its
21 population as last)) based upon the latest population of the city or
22 town that is determined by the office of financial management as
23 follows:

24 (a) A city or town having not more than two thousand inhabitants,
25 five ~~((councilmen))~~ councilmembers; and

26 (b) A city or town having more than two thousand, seven
27 ~~((councilmen))~~ councilmembers.

28 (2) ~~((All councilmen shall be elected at large or from such wards~~
29 ~~or districts as may be established by ordinance, and shall serve for a~~
30 ~~term of four years and until their successors are elected and qualified~~
31 ~~and assume office in accordance with RCW 29.04.170: PROVIDED, HOWEVER,~~
32 ~~That at the first general municipal election held in the city in~~
33 ~~accordance with RCW 29.13.020, after the election approving the~~
34 ~~council manager plan, the following shall apply:~~

35 ~~(a) One councilman shall be nominated and elected from each ward or~~
36 ~~such other existing district of said city as may have been established~~
37 ~~for the election of members of the legislative body of the city and the~~
38 ~~remaining councilmen shall be elected at large; but if there are no~~

1 such wards or districts in the city, or at an initial election for the
2 incorporation of a community, the councilmen shall be elected at large.

3 (b) ~~In cities electing five councilmen, the candidates having the
4 three highest number of votes shall be elected for a four year term and
5 the other two for a two year term commencing immediately when qualified
6 in accordance with RCW 29.01.135 and continuing until their successors
7 are elected and qualified and have assumed office in accordance with
8 RCW 29.04.170.~~

9 (c) ~~In cities electing seven councilmen, the candidates having the
10 four highest number of votes shall be elected for a four year term and
11 the other three for a two year term commencing immediately when
12 qualified in accordance with RCW 29.01.135 and continuing until their
13 successors are elected and qualified and have assumed office in
14 accordance with RCW 29.04.170.~~

15 (d) ~~In determining the candidates receiving the highest number of
16 votes, only the candidate receiving the highest number of votes in each
17 ward, as well as the councilman at large or councilmen at large, are to
18 be considered))~~ Except for the initial staggering of terms,
19 councilmembers shall serve for four-year terms of office. All
20 councilmembers shall serve until their successors are elected and
21 qualified and assume office in accordance with RCW 29.04.170.
22 Councilmembers may be elected on a city-wide or town-wide basis, or
23 from wards or districts, or any combination of these alternatives.
24 Candidates shall run for specific positions. Wards or districts shall
25 be redrawn as provided in chapter 29.70 RCW. Wards or districts shall
26 be used as follows: (a) Only a resident of the ward or district may be
27 a candidate for, or hold office as, a councilmember of the ward or
28 district; and (b) only voters of the ward or district may vote at a
29 primary to nominate candidates for a councilmember of the ward or
30 district. Voters of the entire city or town may vote at the general
31 election to elect a councilmember of a ward or district, unless the
32 city or town had, prior to January 1, 1994, limited the voting in the
33 general election for any or all council positions to only voters
34 residing within the ward or district associated with the council
35 positions. If a city or town had so limited the voting in the general
36 election to only voters residing within the ward or district, then the
37 city or town shall be authorized to continue to do so.

38 (3) When a ((municipality)) city or town has qualified for an
39 increase in the number of ((councilmen)) councilmembers from five to

1 seven by virtue of the next succeeding population determination made by
2 the office of financial management (~~((after the majority of the voters
3 thereof have approved operation under the council manager plan))~~), two
4 additional council positions shall be filled at the (~~((first))~~) next
5 municipal general election (~~((when two additional councilmen are to be
6 elected, one of the two additional councilmen receiving))~~) with the
7 person elected to one of the new council positions receiving the
8 (~~((highest))~~) greatest number of votes (~~((shall be))~~) being elected for a
9 four-year term of office and the person elected to the other additional
10 (~~((councilman shall be))~~) council position being elected for a two-year
11 term of office. The (~~((terms of the))~~) two additional (~~((councilmen))~~)
12 councilmembers shall (~~((commence))~~) assume office immediately when
13 qualified in accordance with RCW 29.01.135, but the term of office
14 shall be computed from the first day of January after the year in which
15 they are elected. Their successors shall be elected to four-year terms
16 of office.

17 (~~((4) In the event such population determination as provided in
18 subsection (3) of this section requires an increase in the number of
19 councilmen))~~ Prior to the election of the two new councilmembers, the
20 city or town council shall fill the additional (~~((councilmanic))~~)
21 positions by appointment not later than (~~((thirty))~~) forty-five days
22 following the release of (~~((said))~~) the population determination, and
23 (~~((the))~~) each appointee shall hold office only until (~~((the next regular
24 city or town election at which a person shall be elected to serve for
25 the remainder of the unexpired term. In the event such population
26 determination results in a decrease in the number of councilmen, said
27 decrease shall not take effect until the next regular city or town
28 election: PROVIDED, That))~~) the new position is filled by election.

29 (4) When a city or town has qualified for a decrease in the number
30 of councilmembers from seven to five by virtue of the next succeeding
31 population determination made by the office of financial management,
32 two council positions shall be eliminated at the next municipal general
33 election if four council positions normally would be filled at that
34 election, or one council position shall be eliminated at each of the
35 next two succeeding municipal general elections if three council
36 positions normally would be filled at the first municipal general
37 election after the population determination. The council shall by
38 ordinance indicate which, if any, of the remaining positions shall be
39 elected at-large or from wards or districts.

1 (5) (~~If a vacancy in the council occurs, the remaining members~~
2 ~~shall appoint a person to fill such office only until the next regular~~
3 ~~general municipal election at which a person shall be elected to serve~~
4 ~~for the remainder of the unexpired term~~) Vacancies on a council shall
5 occur and shall be filled as provided in chapter 42.12 RCW.

6 **Sec. 15.** RCW 35.18.270 and 1979 ex.s. c 126 s 20 are each amended
7 to read as follows:

8 If the majority of the votes cast at a special election for
9 organization on the council-manager plan favor the plan, the city or
10 town (~~at its next regular election~~) shall elect the council required
11 under the council-manager plan in number according to (~~the~~) its
12 population (~~of the municipality: PROVIDED, That if the date of the~~
13 ~~next municipal general election is more than one year from the date of~~
14 ~~the election approving the council manager plan, a special election~~
15 ~~shall be held to elect the councilmen; the newly elected councilmen~~
16 ~~shall assume office immediately when they are qualified in accordance~~
17 ~~with RCW 29.01.135 following the canvass of votes as certified and~~
18 ~~shall remain in office until their successors are elected at the next~~
19 ~~general municipal election: PROVIDED, That such successor shall hold~~
20 ~~office for staggered terms as provided in RCW 35.18.020 as now or~~
21 ~~hereafter amended. Councilmen shall take office at the time provided~~
22 ~~by general law. Declarations of candidacy for city or town elective~~
23 ~~positions under the council manager plan for cities and towns shall be~~
24 ~~filed with the county auditor as the case may be not more than forty-~~
25 ~~five nor less than thirty days prior to said special election to elect~~
26 ~~the members of the city council. Any candidate may file a written~~
27 ~~declaration of withdrawal at any time within five days after the last~~
28 ~~day for filing a declaration of candidacy. All names of candidates to~~
29 ~~be voted upon shall be printed upon the ballot alphabetically in group~~
30 ~~under the designation of the title of the offices for which they are~~
31 ~~candidates. There shall be no rotation of names~~) at the next
32 municipal general election. However, special elections shall be held
33 to nominate and elect the new city councilmembers at the next primary
34 and general election held in an even-numbered year if the next
35 municipal general election is more than one year after the date of the
36 election at which the voters approved the council-manager plan. The
37 staggering of terms of office shall occur at the election when the new
38 councilmembers are elected, where the simple majority of the persons

1 elected as councilmembers receiving the greatest numbers of votes shall
2 be elected to four-year terms of office if the election is held in an
3 odd-numbered year, or three-year terms of office if the election is
4 held in an even-numbered year, and the remainder of the persons elected
5 as councilmembers shall be elected to two-year terms of office if the
6 election is held in an odd-numbered year, or one-year terms of office
7 if the election is held in an even-numbered year. The initial
8 councilmembers shall take office immediately when they are elected and
9 qualified, but the lengths of their terms of office shall be calculated
10 from the first day in January in the year following the election.

11 **Sec. 16.** RCW 35.23.240 and 1965 c 7 s 35.23.240 are each amended
12 to read as follows:

13 A vacancy in an elective office shall occur as provided in chapter
14 42.12 RCW. In addition, the city council may declare an office vacant:
15 (1) If anyone either elected or appointed to that office fails for ten
16 days to qualify as required by law or fails to enter upon ((his)) the
17 duties of that office at the time fixed by law or the orders of the
18 city council, ((his)) the office shall become vacant; or (2) if such an
19 officer ((absents himself)) who serves for compensation is absent from
20 the city without the consent of the city council for three consecutive
21 weeks or openly neglects or refuses to discharge ((his)) the duties((
22 the council may declare his office vacant: PROVIDED, That this penalty
23 for absence from the city shall not apply to such officers as serve
24 without compensation.

25 If a vacancy occurs by reason of death, resignation, or otherwise
26 in the office of mayor or councilman, the city council shall fill the
27 vacancy until the next general municipal election. If)) of that
28 office.

29 A vacancy in an elective office shall be filled as provided in
30 chapter 42.12 RCW and a vacancy ((occurs by reason of death,
31 resignation, or otherwise)) in any other office ((it)) shall be filled
32 by appointment of the mayor and confirmed by the council in the same
33 manner as other appointments are made.

34 **Sec. 17.** RCW 35.23.530 and 1965 c 7 s 35.23.530 are each amended
35 to read as follows:

36 At any time not within three months previous to an annual election
37 the city council of a second class city may divide the city into wards,

1 not exceeding six in all, or change the boundaries of existing wards.
2 No change in the boundaries of wards shall affect the term of any
3 (~~councilman, but he~~) councilmember, and councilmembers shall serve
4 out (~~his~~) their terms in the wards of (~~his~~) their residences at the
5 time of (~~his election:— PROVIDED, That if this results~~) their
6 elections. However, if these boundary changes result in one ward being
7 represented by more (~~councilmen~~) councilmembers than the number to
8 which it is entitled, those having the shortest unexpired terms shall
9 be assigned by the council to wards where there is a vacancy, and the
10 councilmembers so assigned shall be deemed to be residents of the wards
11 to which they are assigned for purposes of determining whether those
12 positions are vacant.

13 The representation of each ward in the city council shall be in
14 proportion to the population as nearly as is practicable.

15 (~~No person shall be eligible to the office of councilman unless he~~
16 ~~resides in the ward for which he is elected on the date of his election~~
17 ~~and removal of his residence from the ward for which he was elected~~
18 ~~renders his office vacant.~~)

19 Wards shall be redrawn as provided in chapter 29.70 RCW. Wards
20 shall be used as follows: (1) Only a resident of the ward may be a
21 candidate for, or hold office as, a councilmember of the ward; and (2)
22 only voters of the ward may vote at a primary to nominate candidates
23 for a councilmember of the ward. Voters of the entire city may vote at
24 the general election to elect a councilmember of a ward, unless the
25 city had, prior to January 1, 1994, limited the voting in the general
26 election for any or all council positions to only voters residing
27 within the ward associated with the council positions. If a city had
28 so limited the voting in the general election to only voters residing
29 within the ward, then the city shall be authorized to continue to do
30 so. The elections for the remaining council position or council
31 positions that are not associated with a ward shall be conducted as if
32 the wards did not exist.

33 **Sec. 18.** RCW 35.24.050 and 1979 ex.s. c 126 s 22 are each amended
34 to read as follows:

35 General municipal elections in third class cities not operating
36 under the commission form of government shall be held biennially in the
37 odd-numbered years (~~as provided in RCW 29.13.020~~) and shall be
38 subject to general election law.

1 The terms of office of the mayor, city attorney, clerk, and
2 treasurer shall be four years and until their successors are elected
3 and qualified and assume office in accordance with RCW 29.04.170:
4 PROVIDED, That if the offices of city attorney, clerk, and treasurer
5 are made appointive, the city attorney, clerk, and treasurer shall not
6 be appointed for a definite term: PROVIDED FURTHER, That the term of
7 the elected treasurer shall not commence in the same biennium in which
8 the term of the mayor commences, nor in which the terms of the city
9 attorney and clerk commence if they are elected.

10 ~~((A councilman at large shall be elected biennially for a two-year
11 term and until his or her successor is elected and qualified and
12 assumes office in accordance with RCW 29.04.170. Of the other six
13 councilmen, three shall be elected in each biennial general municipal
14 election for terms of four years and until their successors are elected
15 and qualified and assume))~~ Council positions shall be numbered in each
16 third class city so that council position seven has a two-year term of
17 office and council positions one through six shall each have four-year
18 terms of office. Each councilmember shall remain in office until a
19 successor is elected and qualified and assumes office in accordance
20 with RCW 29.04.170.

21 In its discretion the council of a third class city may divide the
22 city into wards, not exceeding six, and change the ward boundaries from
23 time to time and as provided in RCW 29.70.100. No change in the
24 boundaries of any ward shall be made within one hundred twenty days
25 before the date of a general municipal election, nor within twenty
26 months after the wards have been established or altered. However, if
27 a boundary change results in one ward being represented by more
28 councilmembers than the number to which it is entitled, those having
29 the shortest unexpired terms shall be assigned by the council to wards
30 where there is a vacancy, and the councilmembers so assigned shall be
31 deemed to be residents of the wards to which they are assigned for
32 purposes of determining whether those positions are vacant. Whenever
33 such city is so divided into wards, the city council shall designate by
34 ordinance the number of councilmembers to be elected from each ward,
35 apportioning the same in proportion to the population of the wards.
36 Council position seven shall not be associated with a ward and the
37 person elected to that position may reside anywhere in the city.
38 Voters throughout the city may vote at a primary to nominate candidates
39 for position seven when a primary is necessary. When additional

1 territory is added to the city it may by act of the council, be annexed
2 to contiguous wards without affecting the right to redistrict at the
3 expiration of twenty months after the last previous division. Wards
4 shall be redrawn as provided in chapter 29.70 RCW. Wards shall be used
5 as follows: (1) Only a resident of the ward may be a candidate for, or
6 hold office as, a councilmember of the ward; and (2) only voters of the
7 ward may vote at a primary to nominate candidates for a councilmember
8 of the ward. Voters of the entire city may vote at the general
9 election to elect a councilmember of a ward, unless the city had, prior
10 to January 1, 1994, limited the voting in the general election for any
11 or all council positions to only voters residing within the ward
12 associated with the council positions. If a city had so limited the
13 voting in the general election to only voters residing within the ward,
14 then the city shall be authorized to continue to do so. The elections
15 for the remaining council position or council positions that are not
16 associated with a ward shall be conducted as if the wards did not
17 exist.

18 **Sec. 19.** RCW 35.24.100 and 1965 c 7 s 35.24.100 are each amended
19 to read as follows:

20 ~~((In cities of))~~ A vacancy in an elective office shall occur as
21 provided in chapter 42.12 RCW. In addition, the council of a third
22 class city may declare a council position vacant if ((a member of the
23 city council absents himself)) that councilmember is absent for three
24 consecutive regular meetings ((thereof, unless by)) without the
25 permission of the council((, his office may be declared vacant by the
26 council.

27 ~~Vacancies in the city council or in the office of mayor shall be~~
28 ~~filled by majority vote of the council)).~~

29 A vacancy in an elective office shall be filled as provided in
30 chapter 42.12 RCW and vacancies in offices other than that of mayor or
31 city ((councilman)) councilmember shall be filled by appointment of the
32 mayor.

33 ~~((If a vacancy occurs in an elective office the appointee shall~~
34 ~~hold office only until the next regular election at which a person~~
35 ~~shall be elected to serve for the remainder of the unexpired term.))~~

36 If there is a temporary vacancy in an appointive office due to
37 illness, absence from the city or other temporary inability to act, the

1 mayor may appoint a temporary appointee to exercise the duties of the
2 office until the temporary disability of the incumbent is removed.

3 **Sec. 20.** RCW 35.24.290 and 1993 c 83 s 6 are each amended to read
4 as follows:

5 The city council of each third class city shall have power:

6 (1) To pass ordinances not in conflict with the Constitution and
7 laws of this state or of the United States;

8 (2) To prevent and regulate the running at large of any or all
9 domestic animals within the city limits or any part thereof and to
10 cause the impounding and sale of any such animals;

11 (3) To establish, build and repair bridges, to establish, lay out,
12 alter, keep open, open, widen, vacate, improve and repair streets,
13 sidewalks, alleys, squares and other public highways and places within
14 the city, and to drain, sprinkle and light the same; to remove all
15 obstructions therefrom; to establish and reestablish the grades
16 thereof; to grade, plank, pave, macadamize, gravel and curb the same,
17 in whole or in part; to construct gutters, culverts, sidewalks and
18 crosswalks therein or upon any part thereof; to cultivate and maintain
19 parking strips therein, and generally to manage and control all such
20 highways and places; to provide by local assessment for the leveling up
21 and surfacing and oiling or otherwise treating for the laying of dust,
22 all streets within the city limits;

23 (4) To establish, construct and maintain drains and sewers, and
24 shall have power to compel all property owners on streets and alleys or
25 within two hundred feet thereof along which sewers shall have been
26 constructed to make proper connections therewith and to use the same
27 for proper purposes, and in case the owners of the property on such
28 streets and alleys or within two hundred feet thereof fail to make such
29 connections within the time fixed by such council, it may cause such
30 connections to be made and assess against the property served thereby
31 the costs and expenses thereof;

32 (5) To provide fire engines and all other necessary or proper
33 apparatus for the prevention and extinguishment of fires;

34 (6) To impose and collect an annual license on every dog within the
35 limits of the city, to prohibit dogs running at large and to provide
36 for the killing of all dogs not duly licensed found at large;

37 (7) To license, for the purposes of regulation and revenue, all and
38 every kind of business authorized by law, and transacted and carried on

1 in such city, and all shows, exhibitions and lawful games carried on
2 therein and within one mile of the corporate limits thereof, to fix the
3 rate of license tax upon the same, and to provide for the collection of
4 the same by suit or otherwise;

5 (8) To improve rivers and streams flowing through such city, or
6 adjoining the same; to widen, straighten and deepen the channel
7 thereof, and remove obstructions therefrom; to improve the water-front
8 of the city, and to construct and maintain embankments and other works
9 to protect such city from overflow; to prevent the filling of the water
10 of any bay, except such filling over tide or shorelands as may be
11 provided for by order of the city council; to purify and prevent the
12 pollution of streams of water, lakes or other sources of supply, and
13 for this purpose shall have jurisdiction over all streams, lakes or
14 other sources of supply, both within and without the city limits. Such
15 city shall have power to provide by ordinance and to enforce such
16 punishment or penalty as the city council may deem proper for the
17 offense of polluting or in any manner obstructing or interfering with
18 the water supply of such city or source thereof;

19 (9) To erect and maintain buildings for municipal purposes;

20 (10) To permit, under such restrictions as it may deem proper, and
21 to grant franchises for, the laying of railroad tracks, and the running
22 of cars propelled by electric, steam or other power thereon, and the
23 laying of gas and water pipes and steam mains and conduits for
24 underground wires, and to permit the construction of tunnels or subways
25 in the public streets, and to construct and maintain and to permit the
26 construction and maintenance of telegraph, telephone and electric lines
27 therein;

28 ~~(11) ((In its discretion to divide the city by ordinance, into a
29 convenient number of wards, not exceeding six, to fix the boundaries
30 thereof, and to change the same from time to time: PROVIDED, That no
31 change in the boundaries of any ward shall be made within sixty days
32 next before the date of a general municipal election, nor within twenty
33 months after the wards have been established or altered. Whenever such
34 city is so divided into wards, the city council shall designate by
35 ordinance the number of councilmen to be elected from each ward,
36 apportioning the same in proportion to the population of the wards.
37 Thereafter the councilmen so designated shall be elected by the
38 qualified electors resident in such ward, or by general vote of the
39 whole city as may be designated in such ordinance. When additional~~

1 territory is added to the city it may by act of the council, be annexed
2 to contiguous wards without affecting the right to redistrict at the
3 expiration of twenty months after last previous division. The removal
4 of a councilman from the ward for which he was elected shall create a
5 vacancy in such office;

6 ~~((12))~~ To impose fines, penalties and forfeitures for any and all
7 violations of ordinances, and for any breach or violation of any
8 ordinance to fix the penalty by fine or imprisonment, or both, but no
9 such fine shall exceed five thousand dollars nor the term of such
10 imprisonment exceed the term of one year, except that the punishment
11 for any criminal ordinance shall be the same as the punishment provided
12 in state law for the same crime; or to provide that violations of
13 ordinances constitute a civil violation subject to monetary penalty,
14 but no act that is a state crime may be made a civil violation;

15 ~~((13))~~ (12) To establish fire limits, with proper regulations;

16 ~~((14))~~ (13) To establish and maintain a free public library;

17 ~~((15))~~ (14) To establish and regulate public markets and market
18 places;

19 ~~((16))~~ (15) To punish the keepers and inmates and lessors of
20 houses of ill fame, gamblers and keepers of gambling tables, patrons
21 thereof or those found loitering about such houses and places;

22 ~~((17))~~ (16) To make all such ordinances, bylaws, rules,
23 regulations and resolutions, not inconsistent with the Constitution and
24 laws of the state of Washington, as may be deemed expedient to maintain
25 the peace, good government and welfare of the corporation and its
26 trade, commerce and manufactures, and to do and perform any and all
27 other acts and things necessary or proper to carry out the provisions
28 of this chapter, and to enact and enforce within the limits of such
29 city all other local, police, sanitary and other regulations as do not
30 conflict with general laws;

31 ~~((18))~~ (17) To license steamers, boats and vessels used in any
32 bay or other watercourse in the city and to fix and collect such
33 license; to provide for the regulation of berths, landings, and
34 stations, and for the removing of steamboats, sail boats, sail vessels,
35 rafts, barges and other watercraft; to provide for the removal of
36 obstructions to navigation and of structures dangerous to navigation or
37 to other property, in or adjoining the waterfront, except in
38 municipalities in counties in which there is a city of the first class.

1 **Sec. 21.** RCW 35.27.140 and 1965 c 7 s 35.27.140 are each amended
2 to read as follows:

3 ~~((If a member of))~~ A vacancy in an elective office shall occur as
4 provided in chapter 42.12 RCW. In addition, the council of a town may
5 declare a council position vacant if that councilmember is absent from
6 the town for three consecutive council meetings ~~((unless by))~~ without
7 the permission of the council ~~((his office shall be declared vacant by~~
8 ~~the council. A vacancy in the office of mayor and vacancies in the~~
9 ~~council shall be filled by a majority vote of the council))~~.

10 A vacancy in an elective office shall be filled as provided in
11 chapter 42.12 RCW and a vacancy in any other office shall be filled by
12 appointment by the mayor. ~~((An appointee filling the vacancy in an~~
13 ~~elective office shall hold office only until the next general election~~
14 ~~at which time a person shall be elected to serve for the remainder of~~
15 ~~the unexpired term except that the person appointed to fill a vacancy~~
16 ~~in the office of mayor shall serve for the unexpired term.))~~

17 **Sec. 22.** RCW 35.61.050 and 1979 ex.s. c 126 s 24 are each amended
18 to read as follows:

19 At the same election at which the proposition is submitted to the
20 voters as to whether a metropolitan park district is to be formed, five
21 park commissioners shall be elected ~~((to hold office respectively for~~
22 ~~the following terms: Where the election is held in an odd-numbered~~
23 ~~year, one commissioner shall be elected to hold office for two years,~~
24 ~~two shall be elected to hold office for four years, and two shall be~~
25 ~~elected to hold office for six years. Where the election is held in an~~
26 ~~even-numbered year, one commissioner shall hold office for three years,~~
27 ~~two shall hold office for five years, and two shall hold office for~~
28 ~~seven years))~~. The election of park commissioners shall be null and
29 void if the metropolitan park district is not created. Candidates
30 shall run for specific commission positions. No primary shall be held
31 to nominate candidates. The person receiving the greatest number of
32 votes for each position shall be elected as a commissioner. The
33 staggering of the terms of office shall occur as follows: (1) The two
34 persons who are elected receiving the two greatest numbers of votes
35 shall be elected to six-year terms of office if the election is held in
36 an odd-numbered year or five-year terms of office if the election is
37 held in an even-numbered year; (2) the two persons who are elected
38 receiving the next two greatest numbers of votes shall be elected to

1 four-year terms of office if the election is held in an odd-numbered
2 year or three-year terms of office if the election is held in an even-
3 numbered year; and (3) the other person who is elected shall be elected
4 to a two-year term of office if the election is held in an odd-numbered
5 year or a one-year term of office if the election is held in an even-
6 numbered year. The initial commissioners shall take office immediately
7 when they are elected and qualified, and for purposes of computing
8 their terms of office the terms shall be assumed to commence on the
9 first day of January ((of)) in the year after they are elected. ((The
10 term of each nominee for park commissioner shall be expressed on the
11 ballot.)) Thereafter, all commissioners shall ((serve)) be elected to
12 six-year terms of office ((and)). All commissioners shall serve until
13 their respective successors are elected and qualified and assume office
14 in accordance with RCW 29.04.170. Vacancies shall occur and shall be
15 filled ((by majority action of the remaining commissioners appointing
16 a voter to fill the remainder of the term of the vacant commissioner
17 position)) as provided in chapter 42.12 RCW.

18 **Sec. 23.** RCW 35A.01.070 and 1979 ex.s. c 18 s 1 are each amended
19 to read as follows:

20 Where used in this title with reference to procedures established
21 by this title in regard to a change of plan or classification of
22 government, unless a different meaning is plainly required by the
23 context:

24 (1) "Classify" means a change from a city of the first, second, or
25 third class, or a town, to a code city.

26 (2) "Classification" means either that portion of the general law
27 under which a city or a town operates under Title 35 RCW as a first,
28 second, or third class city, unclassified city, or town, or otherwise
29 as a code city.

30 (3) "Organize" means to provide for officers after becoming a code
31 city, under the same general plan of government under which the city
32 operated prior to becoming a code city, pursuant to RCW 35A.02.055.

33 (4) "Organization" means the general plan of government under which
34 a city operates.

35 (5) "Plan of government" means ((either the)) a mayor-council form
36 of government under chapter 35A.12 RCW, council-manager form of
37 government under chapter 35A.13 RCW, or a mayor-council, council-
38 manager, or commission form of government in general that is retained

1 by a noncharter code city as provided in RCW 35A.02.130, without regard
2 to variations in the number of elective offices or whether officers are
3 elective or appointive.

4 (6) "Reclassify" means changing from a code city to the
5 classification, if any, held by such a city immediately prior to
6 becoming a code city.

7 (7) "Reclassification" means changing from city or town operating
8 under Title 35 RCW to a city operating under Title 35A RCW, or vice
9 versa; a change in classification.

10 (8) "Reorganize" means changing the plan of government under which
11 a city or town operates to a different general plan of government, for
12 which an election of new officers under RCW 35A.02.050 is required. A
13 city or town shall not be deemed to have reorganized simply by
14 increasing or decreasing the number of members of its legislative body.

15 (9) "Reorganization" means a change in general plan of government
16 where an election of all new officers is required in order to
17 accomplish this change, but an increase or decrease in the number of
18 members of its legislative body shall not be deemed to constitute a
19 reorganization.

20 **Sec. 24.** RCW 35A.02.050 and 1979 ex.s. c 18 s 7 are each amended
21 to read as follows:

22 The first election of officers where required for reorganization
23 under a different general plan of government newly adopted in a manner
24 provided in RCW 35A.02.020, 35A.02.030, 35A.06.030, or 35A.06.060(~~(as~~
25 ~~now or hereafter amended,~~) shall be at the next general municipal
26 election if one is to be held more than ninety days but not more than
27 one hundred and eighty days after certification of a reorganization
28 ordinance or resolution, or otherwise at a special election to be held
29 for that purpose in accordance with RCW 29.13.020. In the event that
30 the first election of officers (~~(as herein provided)~~) is to be held at
31 a general municipal election, such election shall be preceded by a
32 primary election pursuant to RCW 29.21.010 and 29.13.070. In the event
33 that the first election of all officers (~~(as herein provided)~~) is to be
34 held at a special election rather than at a general election, and
35 notwithstanding any provisions of any other law to the contrary, such
36 special election shall be preceded by a primary election to be held on
37 a date authorized by RCW 29.13.010, and the persons nominated at that
38 primary election shall be voted upon at the next succeeding special

1 election that is authorized by RCW 29.13.010: PROVIDED, That in the
2 event the ordinances calling for reclassification or reclassification
3 and reorganization under the provisions of Title 35A RCW have been
4 filed with the secretary of state pursuant to RCW 35A.02.040 in an
5 even-numbered year at least ninety days prior to a state general
6 election then the election of new officers shall be concurrent with the
7 state primary and general election and shall be conducted as set forth
8 in (~~chapter 35A.29 RCW~~) general election law.

9 Upon reorganization, candidates for all offices shall file or be
10 nominated for and successful candidates shall be elected to specific
11 council positions(~~, and an~~). The initial terms (~~or~~) of office for
12 those elected at a first election of all officers (~~to positions one~~
13 and two for a five member council, or positions one through three for
14 a seven member council, shall if the election occurs at a general
15 municipal election be only until the second Monday in January first
16 following the next general municipal election two years hence and if
17 the election occurs at a special election, the duration of these
18 initial terms shall be until the second Monday in January in the first
19 even-numbered year that follows the next general municipal election.
20 The duration of the initial term attaching to the remaining
21 councilmanic positions shall be until the second Monday in January two
22 years next thereafter, so that staggered regular four year terms will
23 ultimately result. Any declarations of candidacy for any primary or
24 other election held pursuant to this section shall be filed as provided
25 in RCW 35A.29.110 as now or hereafter amended)) shall be as follows:
26 (1) A simple majority of the persons who are elected as councilmembers
27 receiving the greatest numbers of votes and the mayor in a city with a
28 mayor-council plan of government shall be elected to four-year terms of
29 office, if the election is held in an odd-numbered year, or three-year
30 terms of office, if the election is held in an even-numbered year; and
31 (2) the other persons who are elected as councilmembers shall be
32 elected to two-year terms of office, if the election is held in an odd-
33 numbered year, or one-year terms of office, if the election is held in
34 an even-numbered year. The newly elected officials shall take office
35 immediately when they are elected and qualified, but the length of
36 their terms of office shall be calculated from the first day of January
37 in the year following the election. Thereafter, each person elected as
38 a councilmember or mayor in a city with a mayor-council plan of
39 government shall be elected to a four-year term of office. Each

1 councilmember and mayor in a city with a mayor-council plan of
2 government shall serve until a successor is elected and qualified and
3 assumes office as provided in RCW 29.04.170.

4 The former officers shall, upon the election and qualification of
5 new officers, deliver to the proper officers of the reorganized
6 noncharter code city all books of record, documents and papers in their
7 possession belonging to such municipal corporation before the
8 reorganization thereof. (~~Officers elected at the first election of~~
9 ~~officers held pursuant to this amendatory act shall assume office as~~
10 ~~soon as the election returns have been certified.))~~)

11 **Sec. 25.** RCW 35A.02.130 and 1967 ex.s. c 119 s 35A.02.130 are each
12 amended to read as follows:

13 Any incorporated city or town governed under a plan of government
14 authorized prior to the time this title takes effect may become a
15 noncharter code city without changing such plan of government by the
16 use of the petition-for-election or resolution-for-election procedures
17 provided in RCW 35A.02.060 and 35A.02.070 to submit to the voters a
18 proposal that such municipality adopt the classification of noncharter
19 code city while retaining its existing plan of government, and upon a
20 favorable vote on the proposal, such municipality shall be classified
21 as a noncharter code city and retain its old plan of government, such
22 reclassification to be effective upon the filing of the record of such
23 election with the office of the secretary of state. Insofar as the
24 provisions of RCW 35A.02.100 and 35A.02.110 are applicable to an
25 election on such a reclassification proposal they shall apply to such
26 election.

27 **Sec. 26.** RCW 35A.06.020 and 1967 ex.s. c 119 s 35A.06.020 are each
28 amended to read as follows:

29 The classifications of municipalities which existed prior to the
30 time this title goes into effect--first class city, second class city,
31 third class (~~and fourth class~~) city, town, and unclassified city--and
32 the restrictions, limitations, duties, and obligations specifically
33 imposed by law upon such classes of cities and towns, shall have no
34 application to noncharter code cities, but every noncharter code city,
35 by adopting such classification, has elected to be governed by the
36 provisions of this title, with the powers granted hereby. However, any
37 code city that retains its old plan of government is subject to the

1 laws applicable to that old plan of government until the city changes
2 its plan of government to the provisions of either chapter 35A.12 or
3 35A.13 RCW.

4 **Sec. 27.** RCW 35A.06.030 and 1979 ex.s. c 18 s 14 are each amended
5 to read as follows:

6 By use of the resolution for election or petition for election
7 methods described in RCW 35A.06.040, any noncharter code city which has
8 operated for more than six consecutive years under one of the optional
9 plans of government authorized by this title, or for more than a
10 combined total of six consecutive years under a particular plan of
11 government both as a code city and under the same general plan under
12 Title 35 RCW immediately prior to becoming a code city, may abandon
13 such organization and may reorganize and adopt another plan of
14 government authorized for noncharter code cities, but only after having
15 been a noncharter code city for more than one year or a city after
16 operating for more than six consecutive years under a particular plan
17 of government as a noncharter code city (~~or may reclassify and adopt~~
18 ~~a plan of government authorized by the general law for municipalities~~
19 ~~of the highest class for which the population of such city qualifies~~
20 ~~it, or authorized for the class to which such city belonged immediately~~
21 ~~prior to becoming a noncharter code city, if any: PROVIDED, That~~)).
22 These limitations shall not apply to a city seeking to adopt a charter.

23 In reorganization under a different general plan of government as
24 a noncharter code city, officers shall all be elected as provided in
25 RCW 35A.02.050. When a noncharter code city adopts a plan of
26 government other than those authorized under Title 35A RCW, such city
27 ceases to be governed under this optional municipal code and shall be
28 classified as a city or town of the class selected in the proceeding
29 for adoption of such new plan, with the powers granted to such class
30 under the general law.

31 **Sec. 28.** RCW 35A.06.050 and 1979 ex.s. c 18 s 15 are each amended
32 to read as follows:

33 The proposal for abandonment of a plan of government as authorized
34 in RCW 35A.06.030 and for adoption of the plan named in the resolution
35 or petition shall be voted upon at the next general municipal election
36 if one is to be held within one hundred and eighty days or otherwise at
37 a special election called for that purpose in accordance with RCW

1 29.13.020. The ballot title and statement of the proposition shall be
2 prepared by the city attorney as provided in RCW 29.27.060 and
3 35A.29.120(~~(, as now or hereafter amended. If the plan proposed in the~~
4 ~~petition is not a plan authorized for noncharter code cities by this~~
5 ~~title, the ballot statement shall clearly set forth that adoption of~~
6 ~~such plan by the voters would require abandonment of the classification~~
7 ~~of noncharter code city and that government would be under the general~~
8 ~~law relating to cities of the class specified in the resolution or~~
9 ~~petition. If the plan proposed in the petition is a plan authorized~~
10 ~~for noncharter code cities the ballot statement shall clearly set forth~~
11 ~~that adoption of such plan by the voters would not affect the~~
12 ~~eligibility of the noncharter code city to be governed under this~~
13 ~~optional municipal code))~~).

14 **Sec. 29.** RCW 35A.12.010 and 1985 c 106 s 1 are each amended to
15 read as follows:

16 The government of any noncharter code city or charter code city
17 electing to adopt the mayor-council plan of government authorized by
18 this chapter shall be vested in an elected mayor and an elected
19 council. The council of a noncharter code city having less than
20 twenty-five hundred inhabitants shall consist of five members; when
21 there are twenty-five hundred or more inhabitants, the council shall
22 consist of seven members(~~(: PROVIDED, That)~~). If the population of a
23 city after having become a code city decreases from twenty-five hundred
24 or more to less than twenty-five hundred, it shall continue to have a
25 seven member council. If, after a city has become a mayor-council code
26 city, its population increases to twenty-five hundred or more
27 inhabitants, the number of councilmanic offices in such city may
28 increase from five to seven members upon the affirmative vote of a
29 majority of the existing council to increase the number of councilmanic
30 offices in the city. When the population of a mayor-council code city
31 having five councilmanic offices increases to five thousand or more
32 inhabitants, the number of councilmanic offices in the city shall
33 increase from five to seven members. In the event of an increase in
34 the number of councilmanic offices, the city council shall, by majority
35 vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these
36 offices until the next municipal general election, at which election
37 one person shall be elected for a two-year term and one person shall be
38 elected for a four-year term. The number of inhabitants shall be

1 determined by the most recent official state or federal census or
2 determination by the state office of financial management. A charter
3 adopted under the provisions of this title, incorporating the mayor-
4 council plan of government set forth in this chapter, may provide for
5 an uneven number of ((~~councilmen~~)) councilmembers not exceeding eleven.

6 A noncharter code city of less than five thousand inhabitants which
7 has elected the mayor-council plan of government and which has seven
8 councilmanic offices may establish a five-member council in accordance
9 with the following procedure. At least six months prior to a municipal
10 general election, the city council shall adopt an ordinance providing
11 for reduction in the number of councilmanic offices to five. The
12 ordinance shall specify which two councilmanic offices, the terms of
13 which expire at the next general election, are to be terminated. The
14 ordinance shall provide for the renumbering of council positions and
15 shall also provide for a two-year extension of the term of office of a
16 retained councilmanic office, if necessary, in order to comply with RCW
17 35A.12.040.

18 However, a noncharter code city that has retained its old mayor-
19 council plan of government, as provided in RCW 35A.02.130, is subject
20 to the laws applicable to that old plan of government.

21 **Sec. 30.** RCW 35A.12.040 and 1979 ex.s. c 18 s 21 are each amended
22 to read as follows:

23 Officers shall be elected at biennial municipal elections to be
24 conducted as provided in chapter 35A.29 RCW. The mayor and the
25 ((~~councilmen~~)) councilmembers shall be elected for four-year terms of
26 office and until their successors are elected and qualified((~~except~~
27 ~~that at any first election three councilmen in cities having seven~~
28 ~~councilmen, and two councilmen in cities having five councilmen, shall~~
29 ~~be elected for two year terms and the remaining councilmen shall be~~
30 ~~elected for four year terms~~)) and assume office in accordance with RCW
31 29.04.170. At any first election upon reorganization, councilmembers
32 shall be elected as provided in RCW 35A.02.050. Thereafter the
33 requisite number of ((~~councilmen~~)) councilmembers shall be elected
34 biennially as the terms of their predecessors expire and shall serve
35 for terms of four years. The positions to be filled on the city
36 council shall be designated by consecutive numbers and shall be dealt
37 with as separate offices for all election purposes((~~, as provided in~~
38 ~~RCW 35A.29.105.~~ ~~In any city which holds its first election under this~~

1 title in the calendar year 1970, candidates elected for two year terms
2 shall hold office until their successors are elected and qualified at
3 the general municipal election to be held in November, 1973 and
4 candidates elected for four year terms shall hold office until their
5 successors are elected and qualified at the general municipal election
6 to be held in November, 1975)). Election to positions on the council
7 shall be by majority vote from the city at large, unless provision is
8 made by charter or ordinance for election by wards. ((The city council
9 shall be the judge of the qualifications of its members and determine
10 contested elections of city officers, subject to review by certiorari
11 as provided by law.)) The mayor and ((councilmen)) councilmembers
12 shall qualify by taking an oath or affirmation of office and as may be
13 provided by law, charter, or ordinance.

14 **Sec. 31.** RCW 35A.12.050 and 1967 ex.s. c 119 s 35A.12.050 are each
15 amended to read as follows:

16 The office of a mayor or ((councilman)) councilmember shall become
17 vacant (1) if ((he)) the person who is elected or appointed to that
18 position (a) fails to qualify as provided by law ((or)), (b) fails to
19 enter upon ((his)) the duties of that office at the time fixed by law
20 without a justifiable reason, ((upon his death, resignation, removal
21 from office by recall as provided by law, or when his office is
22 forfeited)) or (c) in the case of a council position, if the
23 councilmember fails to attend three consecutive regular meetings of the
24 council without being excused by the council; or (2) as provided in RCW
25 ((35A.12.060)) 42.12.010. A vacancy in the office of mayor or in the
26 council shall be filled ((for the remainder of the unexpired term, if
27 any, at the next regular municipal election but the council, or the
28 remaining members thereof, by majority vote shall appoint a qualified
29 person to fill the vacancy until the person elected to serve the
30 remainder of the unexpired term takes office. If at any time the
31 membership of the council is reduced below the number required for a
32 quorum, the remaining members, nevertheless, by majority action may
33 appoint additional members to fill the vacancies until persons are
34 elected to serve the remainder of the unexpired terms. If, after
35 thirty days have passed since the occurrence of a vacancy, the council
36 are unable to agree upon a person to be appointed to fill a vacancy in
37 the council, the mayor may make the appointment from among the persons
38 nominated by members of the council)) as provided in chapter 42.12 RCW.

1 **Sec. 32.** RCW 35A.12.180 and 1967 ex.s. c 119 s 35A.12.180 are each
2 amended to read as follows:

3 (1) At any time not within three months previous to a municipal
4 general election the council of a noncharter code city organized under
5 this chapter may divide the city into wards or change the boundaries of
6 existing wards. No change in the boundaries of wards shall affect the
7 term of any ~~((councilman, but he))~~ councilmember, and councilmembers
8 shall serve out ~~((his))~~ their terms in the wards of ~~((his))~~ their
9 residences at the time of ~~((his))~~ their elections: PROVIDED, That if
10 this results in one ward being represented by more ~~((councilmen))~~
11 councilmembers than the number to which it is entitled those having the
12 shortest unexpired terms shall be assigned by the council to wards
13 where there is a vacancy, and the councilmembers so assigned shall be
14 deemed to be residents of the wards to which they are assigned for
15 purposes of those positions being vacant. The representation of each
16 ward in the city council shall be in proportion to the population as
17 nearly as is practicable. ~~((When the city has been divided into wards~~
18 ~~no person shall be eligible to the office of councilman unless he~~
19 ~~resides in the ward for which he is elected on the date of his~~
20 ~~election, and removal of his residence from the ward for which he was~~
21 ~~elected renders his office vacant.))~~

22 Wards shall be redrawn as provided in chapter 29.70 RCW. Wards
23 shall be used as follows: (a) Only a resident of the ward may be a
24 candidate for, or hold office as, a councilmember of the ward; and (b)
25 only voters of the ward may vote at a primary to nominate candidates
26 for a councilmember of the ward. Voters of the entire city may vote at
27 the general election to elect a councilmember of a ward, unless the
28 city had prior to January 1, 1993, limited the voting in the general
29 election for any or all council positions to only voters residing
30 within the ward associated with the council positions. If a city had
31 so limited the voting in the general election to only voters residing
32 within the ward, then the city shall be authorized to continue to do
33 so.

34 (2) If on the effective date of this section or thereafter, a ward
35 represented by more than one councilmember does not have at least one
36 councilmember elected to office at each municipal election, then the
37 council may change the terms of or renumber councilmember positions to
38 be filled at the next general election if necessary, so that at least
39 one councilmember within the ward is elected to office at each

1 municipal general election, and the city complies with RCW 35A.12.040.
2 The council shall determine by lot which councilmember positions shall
3 be renumbered or terms changed prior to the date for filing
4 declarations of candidacy for election to councilmember positions.

5 **Sec. 33.** RCW 35A.13.010 and 1987 c 3 s 16 are each amended to read
6 as follows:

7 The ((~~councilmen~~)) councilmembers shall be the only elective
8 officers of a code city electing to adopt the council-manager plan of
9 government authorized by this chapter, except where statutes provide
10 for an elective municipal judge. The council shall appoint an officer
11 whose title shall be "city manager" who shall be the chief executive
12 officer and head of the administrative branch of the city government.
13 The city manager shall be responsible to the council for the proper
14 administration of all affairs of the code city. The council of a
15 noncharter code city having less than twenty-five hundred inhabitants
16 shall consist of five members; when there are twenty-five hundred or
17 more inhabitants the council shall consist of seven members: PROVIDED,
18 That if the population of a city after having become a code city
19 decreases from twenty-five hundred or more to less than twenty-five
20 hundred, it shall continue to have a seven member council. If, after
21 a city has become a council-manager code city its population increases
22 to twenty-five hundred or more inhabitants, the number of councilmanic
23 offices in such city may increase from five to seven members upon the
24 affirmative vote of a majority of the existing council to increase the
25 number of councilmanic offices in the city. When the population of a
26 council-manager code city having five councilmanic offices increases to
27 five thousand or more inhabitants, the number of councilmanic offices
28 in the city shall increase from five to seven members. In the event of
29 an increase in the number of councilmanic offices, the city council
30 shall, by majority vote, pursuant to RCW 35A.13.020, appoint two
31 persons to serve in these offices until the next municipal general
32 election, at which election one person shall be elected for a two-year
33 term and one person shall be elected for a four-year term. The number
34 of inhabitants shall be determined by the most recent official state or
35 federal census or determination by the state office of financial
36 management. A charter adopted under the provisions of this title,
37 incorporating the council-manager plan of government set forth in this

1 chapter may provide for an uneven number of (~~councilmen~~)
2 councilmembers not exceeding eleven.

3 A noncharter code city of less than five thousand inhabitants which
4 has elected the council-manager plan of government and which has seven
5 councilmanic offices may establish a five-member council in accordance
6 with the following procedure. At least six months prior to a municipal
7 general election, the city council shall adopt an ordinance providing
8 for reduction in the number of councilmanic offices to five. The
9 ordinance shall specify which two councilmanic offices, the terms of
10 which expire at the next general election, are to be terminated. The
11 ordinance shall provide for the renumbering of council positions and
12 shall also provide for a two-year extension of the term of office of a
13 retained councilmanic office, if necessary, in order to comply with RCW
14 35A.12.040.

15 However, a noncharter code city that has retained its old council-
16 manager plan of government, as provided in RCW 35A.02.130, is subject
17 to the laws applicable to that old plan of government.

18 **Sec. 34.** RCW 35A.13.020 and 1975 1st ex.s. c 155 s 1 are each
19 amended to read as follows:

20 In council-manager code cities, eligibility for election to the
21 council, the manner of electing (~~councilmen~~) councilmembers, the
22 numbering of council positions, the terms of (~~councilmen~~)
23 councilmembers, the occurrence and the filling of vacancies, the
24 grounds for forfeiture of office, and appointment of a mayor pro
25 tempore or deputy mayor or (~~councilman~~) councilmember pro tempore
26 shall be governed by the corresponding provisions of RCW 35A.12.030,
27 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the
28 council of a code city organized under the mayor-council plan(~~(+~~
29 ~~PROVIDED, That~~)), except that in council-manager cities where all
30 council positions are at-large positions, the city council may,
31 pursuant to RCW 35A.13.033, provide that the person elected to council
32 position one (~~on or after September 8, 1975,~~) shall be the council
33 (~~chairman~~) chair and shall carry out the duties prescribed by RCW
34 35A.13.030(~~(, as now or hereafter amended)~~).

35 **Sec. 35.** RCW 35A.14.060 and 1967 ex.s. c 119 s 35A.14.060 are each
36 amended to read as follows:

1 An annexation election shall be held in accordance with ((chapter
2 35A.29 RCW of this title)) general election law and only registered
3 voters who have resided in the area proposed to be annexed for ninety
4 days immediately preceding the election shall be allowed to vote
5 therein.

6 **Sec. 36.** RCW 35A.14.070 and 1979 ex.s. c 124 s 4 are each amended
7 to read as follows:

8 Notice of an annexation election shall particularly describe the
9 boundaries of the area proposed to be annexed, as the same may have
10 been modified by the boundary review board or the county annexation
11 review board, state the objects of the election as prayed in the
12 petition or as stated in the resolution, and require the voters to cast
13 ballots which shall contain the words "For Annexation" or "Against
14 Annexation" or words equivalent thereto, or contain the words "For
15 Annexation and Adoption of Proposed Zoning Regulation", and "Against
16 Annexation and Adoption of Proposed Zoning Regulation", or words
17 equivalent thereto in case the simultaneous adoption of a proposed
18 zoning regulation is proposed, and in case the assumption of all or a
19 portion of indebtedness is proposed, shall contain an appropriate,
20 separate proposition for or against the portion of indebtedness that
21 the city requires to be assumed. The notice shall be posted for at
22 least two weeks prior to the date of election in four public places
23 within the area proposed to be annexed and published at least once a
24 week for two weeks prior to the date of election in a newspaper of
25 general circulation within the limits of the territory proposed to be
26 annexed. Such notice shall be in addition to the notice required by
27 ((RCW 35A.29.140)) general election law.

28 **Sec. 37.** RCW 35A.15.040 and 1967 ex.s. c 119 s 35A.15.040 are each
29 amended to read as follows:

30 ((The election shall be conducted and the returns canvassed as
31 provided in chapter 35A.29 RCW.)) Ballot titles shall be prepared by
32 the city as provided in RCW 35A.29.120 and shall contain the words "For
33 Dissolution" and "Against Dissolution", and shall contain on separate
34 lines, alphabetically, the names of candidates for receiver. If a
35 majority of the votes cast on the proposition are for dissolution, the
36 municipal corporation shall be dissolved upon certification of the
37 election results to the office of the secretary of state.

1 **Sec. 38.** RCW 35A.16.030 and 1967 ex.s. c 119 s 35A.16.030 are each
2 amended to read as follows:

3 (~~The election returns shall be canvassed as provided in RCW~~
4 ~~35A.29.070 and~~) If three-fifths of the votes cast on the proposition
5 favor the reduction of the corporate limits, the (~~legislative body, by~~
6 ~~an order entered on its minutes, shall direct the clerk to~~) county
7 auditor shall make and transmit to the office of the secretary of state
8 a certified abstract of the vote.

9 **Sec. 39.** RCW 36.69.020 and 1969 c 26 s 2 are each amended to read
10 as follows:

11 The formation of a park and recreation district shall be initiated
12 by a petition designating the boundaries thereof by metes and bounds,
13 or by describing the land to be included therein by townships, ranges
14 and legal subdivisions. Such petition shall set forth the object of
15 the district and state that it will be conducive to the public welfare
16 and convenience, and that it will be a benefit to the area therein.
17 Such petition shall be signed by not less than fifteen percent of the
18 registered voters residing within the area so described. (~~No person~~
19 ~~signing the petition may withdraw his name therefrom after filing.~~)
20 The name of a person who has signed the petition may not be withdrawn
21 from the petition after the petition has been filed.

22 The petition shall be filed with the auditor of the county within
23 which the proposed district is located, accompanied by an obligation
24 signed by two or more petitioners, agreeing to pay the cost of the
25 publication of the notice provided for in RCW 36.69.040. The county
26 auditor shall, within thirty days from the date of filing the petition,
27 examine the signatures and certify to the sufficiency or insufficiency
28 thereof(~~; and for that purpose shall have access to all registration~~
29 ~~books or records in the possession of the registration officers of the~~
30 ~~election precincts included, in whole or in part, within the proposed~~
31 ~~district. Such books and records shall be prima facie evidence of the~~
32 ~~truth of the certificate)).~~

33 If the petition is found to contain a sufficient number of
34 signatures of qualified persons, the auditor shall transmit it,
35 together with (~~his~~) a certificate of sufficiency attached thereto, to
36 the county (~~commissioners who~~) legislative authority, which shall by
37 resolution entered upon (~~their~~) its minutes(~~;~~) receive it and fix

1 a day and hour when (~~they~~) the legislative authority will publicly
2 hear the petition, as provided in RCW 36.69.040.

3 **Sec. 40.** RCW 36.69.070 and 1979 ex.s. c 126 s 28 are each amended
4 to read as follows:

5 (~~All elections pursuant to this chapter shall be conducted in~~
6 ~~accordance with the provisions of chapter 29.13 RCW for district~~
7 ~~elections.)) A ballot proposition authorizing the formation of the
8 proposed park and recreation district shall be submitted to the voters
9 of the proposed district for their approval or rejection at the next
10 general state election occurring sixty or more days after the county
11 legislative authority fixes the boundaries of the proposed district.
12 Notices of the election for the formation of the park and recreation
13 district shall state generally and briefly the purpose thereof and
14 shall give the boundaries of the proposed district(~~, define the~~
15 ~~election precincts, designate the polling place of each, give the names~~
16 ~~of the five nominated park and recreation commissioner candidates of~~
17 ~~the proposed district,)) and name the day of the election and the hours
18 during which the polls will be open. The proposition to be submitted
19 to the voters shall be stated in such manner that the voters may
20 indicate yes or no upon the proposition of forming the proposed park
21 and recreation district. (~~The ballot shall be so arranged that voters~~
22 ~~may vote for the five nominated candidates or may write in the names of~~
23 ~~other candidates.))~~~~~~

24 The initial park and recreation commissioners shall be elected at
25 the same election, but this election shall be null and void if the
26 district is not authorized to be formed. No primary shall be held to
27 nominate candidates for the initial commissioner positions. Candidates
28 shall run for specific commission positions. A special filing period
29 shall be opened as provided in RCW 29.15.170 and 29.15.180. The person
30 who receives the greatest number of votes for each commission position
31 shall be elected to that position. The three persons who are elected
32 receiving the greatest number of votes shall be elected to four-year
33 terms of office if the election is held in an odd-numbered year or
34 three-year terms of office if the election is held in an even-numbered
35 year. The other two persons who are elected shall be elected to two-
36 year terms of office if the election is held in an odd-numbered year or
37 one-year terms of office if the election is held in an even-numbered
38 year. The initial commissioners shall take office immediately upon

1 being elected and qualified, but the length of such terms shall be
2 computed from the first day of January in the year following this
3 election.

4 **Sec. 41.** RCW 36.69.080 and 1979 ex.s. c 126 s 29 are each amended
5 to read as follows:

6 If a majority of all votes cast upon the proposition favors the
7 formation of the district, (~~{the}~~) the county legislative authority
8 shall(~~{,}~~), by resolution, declare the territory organized as a park
9 and recreation district under the designated name (~~{theretofore~~
10 ~~designated,~~ and shall ~~declare the candidate from each subdivision~~
11 ~~receiving the highest number of votes for park and recreation~~
12 ~~commissioner the duly elected first park and recreation commissioner of~~
13 ~~the subdivision of the district. These initial park and recreation~~
14 ~~commissioners shall take office immediately upon their election and~~
15 ~~qualification and hold office until their successors are elected and~~
16 ~~qualified and assume office as provided in RCW 36.69.090 as now or~~
17 ~~hereafter amended~~)).

18 **Sec. 42.** RCW 36.69.090 and 1987 c 53 s 1 are each amended to read
19 as follows:

20 A park and recreation district shall be governed by a board of five
21 commissioners. Except for the initial commissioners, all commissioners
22 shall be elected to staggered four-year terms of office and shall serve
23 until their successors are elected and qualified and assume office in
24 accordance with RCW 29.04.170. Candidates shall run for specific
25 commissioner positions.

26 Elections for park and recreation district commissioners shall be
27 held biennially in conjunction with the general election in each odd-
28 numbered year. (~~{Residence anywhere within the district shall qualify~~
29 ~~an elector for any position on the commission after the initial~~
30 ~~election.}~~) Elections shall be held in accordance with the provisions
31 of Title 29 RCW dealing with general elections. (~~{All commissioners~~
32 ~~shall serve until their successors are elected and qualified and assume~~
33 ~~office in accordance with RCW 29.04.170. At the first election~~
34 ~~following the formation of the district, the two candidates receiving~~
35 ~~the highest number of votes shall serve for terms of four years, and~~
36 ~~the three candidates receiving the next highest number of votes shall~~
37 ~~serve for two years. Thereafter all commissioners shall be elected for~~

1 ~~four year terms:— PROVIDED, That if there would otherwise be two~~
2 ~~commissioners elected at the November 1987 general election, the~~
3 ~~candidate receiving the highest number of votes shall serve a four year~~
4 ~~term, and the commissioner receiving the second highest number of votes~~
5 ~~shall serve a two year term.))~~

6 **Sec. 43.** RCW 36.69.100 and 1963 c 4 s 36.69.100 are each amended
7 to read as follows:

8 Vacancies on the board of park and recreation commissioners shall
9 occur and shall be filled (~~by a majority vote of the remaining~~
10 ~~commissioners~~)) as provided in chapter 42.12 RCW.

11 **Sec. 44.** RCW 36.69.440 and 1979 ex.s. c 11 s 3 are each amended to
12 read as follows:

13 (1) If the petition filed under RCW 36.69.430 is found to contain
14 a sufficient number of signatures, the legislative authority of each
15 county shall set a time for a hearing on the petition for the formation
16 of a park and recreation district as prescribed in RCW 36.69.040.

17 (2) At the public hearing the legislative authority (~~for each~~
18 ~~authority~~)) for each county shall fix the boundaries for that portion
19 of the proposed park and recreation district that lies within the
20 county as provided in RCW 36.69.050. Each county shall notify the
21 other county or counties of the determination of the boundaries within
22 ten days.

23 (3) If the territories created by the county legislative
24 authorities are not contiguous, a joint park and recreation district
25 shall not be formed. If the territories are contiguous, the county
26 containing the portion of the proposed joint district having the larger
27 population shall determine the name of the proposed joint district.

28 (4) (~~If the proposed district encompasses portions of two~~
29 ~~counties, the county containing the portion of the district having the~~
30 ~~larger population shall divide the territory into three subdivisions~~
31 ~~and shall name three resident electors as prescribed by RCW 36.69.060.~~
32 ~~The county containing the territory having the smaller population shall~~
33 ~~divide that territory into two subdivisions and name two resident~~
34 ~~electors.~~

35 (5) ~~If the proposed district encompasses portions of more than two~~
36 ~~counties, the district shall be divided into five subdivisions and~~
37 ~~resident electors shall be named as follows:~~

1 ~~The number of subdivisions and resident electors to be established~~
2 ~~by each county shall reflect the proportion of population within each~~
3 ~~county portion of the proposed district in relation to the total~~
4 ~~population of the proposed district, provided that each county shall~~
5 ~~designate one subdivision and one resident elector.~~

6 (6)) The proposition for the formation of the proposed joint park
7 and recreation district shall be submitted to the voters of the
8 district at the next general election, which election shall be
9 conducted as required by RCW 36.69.070 and 36.69.080.

10 **Sec. 45.** RCW 52.14.010 and 1985 c 330 s 2 are each amended to read
11 as follows:

12 The affairs of the district shall be managed by a board of fire
13 commissioners composed of three ~~((resident electors of))~~ registered
14 voters residing in the district except as provided in RCW 52.14.015 and
15 52.14.020. Each member shall each receive fifty dollars per day or
16 portion thereof, not to exceed four thousand eight hundred dollars per
17 year, for attendance at board meetings and for performance of other
18 services in behalf of the district.

19 In addition, they shall receive necessary expenses incurred in
20 attending meetings of the board or when otherwise engaged in district
21 business, and shall be entitled to receive the same insurance available
22 to all ~~((firemen))~~ fire fighters of the district: PROVIDED, That the
23 premiums for such insurance, except liability insurance, shall be paid
24 by the individual commissioners who elect to receive it.

25 Any commissioner may waive all or any portion of his or her
26 compensation payable under this section as to any month or months
27 during his or her term of office, by a written waiver filed with the
28 secretary as provided in this section. The waiver, to be effective,
29 must be filed any time after the commissioner's election and prior to
30 the date on which ~~((said))~~ the compensation would otherwise be paid.
31 The waiver shall specify the month or period of months for which it is
32 made.

33 The board shall fix the compensation to be paid the secretary and
34 all other agents and employees of the district. The board may, by
35 resolution adopted by unanimous vote, authorize any of its members to
36 serve as volunteer ~~((firemen))~~ fire fighters without compensation. A
37 commissioner actually serving as a volunteer ~~((fireman))~~ fire fighter
38 may enjoy the rights and benefits of a volunteer ~~((fireman))~~ fire

1 fighter. ((The first commissioners shall take office immediately when
2 qualified in accordance with RCW 29.01.135 and shall serve until after
3 the next general election for the selection of commissioners and until
4 their successors have been elected and have qualified and have assumed
5 office in accordance with RCW 29.04.170.))

6 **Sec. 46.** RCW 52.14.015 and 1990 c 259 s 14 are each amended to
7 read as follows:

8 In the event a three member board of commissioners of any fire
9 protection district determines by resolution ((and approves by
10 unanimous vote of the board)) that it would be in the best interest of
11 the district to increase the number of commissioners from three to
12 five, or in the event the board is presented with a petition signed by
13 ten percent of the registered voters resident within the district who
14 voted in the last general municipal election calling for such an
15 increase in the number of commissioners of the district, the board
16 shall submit a resolution to the county legislative authority or
17 authorities of the county or counties in which the district is located
18 requesting that an election be held. Upon receipt of the resolution,
19 the legislative authority or authorities of the county or counties
20 shall call a special election to be held within the fire protection
21 district at which election the following proposition shall be submitted
22 to the voters substantially as follows:

23 Shall the board of commissioners of county fire
24 protection district no. be increased from three members to
25 five members?

26 Yes

27 No

28 If the fire protection district is located in more than a single
29 county, this proposition shall indicate the name of the district.

30 If the proposition receives a majority approval at the election,
31 the board of commissioners of the fire protection district shall be
32 increased to five members. The two additional members shall be
33 appointed in the same manner as provided in RCW 52.14.020.

1 **Sec. 47.** RCW 52.14.030 and 1984 c 230 s 31 are each amended to
2 read as follows:

3 (~~The polling places for district elections shall be those of the~~
4 ~~county voting precincts which include any of the territory within the~~
5 ~~fire protection districts. District elections)) The polling places for
6 a fire protection district election may be located inside or outside
7 the boundaries of the district ((and)), as determined by the auditor of
8 the county in which the fire protection district is located, and the
9 elections of the fire protection district shall not be held to be
10 irregular or void on that account.~~

11 **Sec. 48.** RCW 52.14.050 and 1989 c 63 s 21 are each amended to read
12 as follows:

13 (~~In the event of a vacancy occurring in the office of fire~~
14 ~~commissioner, the vacancy shall, within sixty days, be filled by~~
15 ~~appointment of a resident elector of the district by a vote of the~~
16 ~~remaining fire commissioners. If the board of commissioners fails to~~
17 ~~fill the vacancy within the sixty day period, the county legislative~~
18 ~~authority of the county in which all, or the largest portion, of the~~
19 ~~district is located shall make the appointment. If the number of~~
20 ~~vacancies is such that there is not a majority of the full number of~~
21 ~~commissioners in office as fixed by law, the county legislative~~
22 ~~authority of the county in which all, or the largest portion, of the~~
23 ~~district is located shall appoint someone to fill each vacancy, within~~
24 ~~thirty days of each vacancy, that is sufficient to create a majority as~~
25 ~~prescribed by law.~~

26 ~~An appointee shall serve ad interim until a successor has been~~
27 ~~elected and qualified at the next general election as provided in~~
28 ~~chapter 29.21 RCW. A person who is so elected shall take office~~
29 ~~immediately after he or she is qualified and shall serve for the~~
30 ~~remainder of the unexpired term.))~~

31 Vacancies on a board of fire commissioners shall occur as provided
32 in chapter 42.12 RCW. In addition, if a fire commissioner is absent
33 from the district for three consecutive regularly scheduled meetings
34 unless by permission of the board, the office shall be declared vacant
35 by the board of commissioners ((and the vacancy shall be filled as
36 provided for in this section)). However, such an action shall not be
37 taken unless the commissioner is notified by mail after two consecutive
38 unexcused absences that the position will be declared vacant if the

1 commissioner is absent without being excused from the next regularly
2 scheduled meeting. Vacancies (~~((additionally shall occur))~~) on a board
3 of fire commissioners shall be filled as provided in chapter 42.12 RCW.

4 **Sec. 49.** RCW 52.14.060 and 1989 c 63 s 22 are each amended to read
5 as follows:

6 The initial three members of the board of fire commissioners shall
7 be elected at the same election as when the ballot proposition is
8 submitted to the voters authorizing the creation of the fire protection
9 district. If the district is not authorized to be created, the
10 election of the initial fire commissioners shall be null and void. If
11 the district is authorized to be created, the initial fire
12 commissioners shall take office immediately when qualified. Candidates
13 shall file for each of the three separate fire commissioner positions.
14 Elections shall be held as provided in chapter 29.21 RCW, with the
15 county auditor opening up a special filing period as provided in RCW
16 (~~((29.21.360 and 29.21.370))~~) 29.15.170 and 29.15.180, as if there were
17 a vacancy. The (~~((candidate for each position))~~) person who receives the
18 greatest number of votes for each position shall be elected to that
19 position. (~~((If the election is held in an odd-numbered year, the~~
20 ~~winning candidate receiving the highest number of votes shall hold~~
21 ~~office for a term of six years, the winning candidate receiving the~~
22 ~~next highest number of votes shall hold office for a term of four~~
23 ~~years, and the candidate receiving the next highest number of votes~~
24 ~~shall serve for a term of two years. If the election were held in an~~
25 ~~even-numbered year, the winning candidate receiving the greatest number~~
26 ~~of votes shall hold office for a term of five years, the winning~~
27 ~~candidate receiving the next highest number of votes shall hold office~~
28 ~~for a term of three years, and the winning candidate receiving the next~~
29 ~~highest number of votes shall hold office for a term of one year.))~~) The
30 terms of office of the initial fire commissioners shall be staggered as
31 follows: (1) The person who is elected receiving the greatest number
32 of votes shall be elected to a six-year term of office if the election
33 is held in an odd-numbered year or a five-year term of office if the
34 election is held in an even-numbered year; (2) the person who is
35 elected receiving the next greatest number of votes shall be elected to
36 a four-year term of office if the election is held in an odd-numbered
37 year or a three-year term of office if the election is held in an even-
38 numbered year; and (3) the other person who is elected shall be elected

1 to a two-year term of office if the election is held in an odd-numbered
2 year or a one-year term of office if the election is held in an even-
3 numbered year. The initial commissioners shall take office immediately
4 when elected and qualified and their terms of office ((of the initially
5 elected fire commissioners)) shall be calculated from the first day of
6 January in the year following their election.

7 The term of office of each subsequent commissioner shall be six
8 years. Each commissioner shall serve until a successor is elected and
9 qualified and assumes office in accordance with RCW 29.04.170.

10 **Sec. 50.** RCW 53.12.140 and 1959 c 17 s 9 are each amended to read
11 as follows:

12 A vacancy in the office of port commissioner shall occur ((~~by~~
13 ~~death, resignation, removal, conviction of a felony,~~) as provided in
14 chapter 42.12 RCW or by nonattendance at meetings of the port
15 commission for a period of sixty days unless excused by the port
16 commission((~~, by any statutory disqualification, or by any permanent~~
17 disability preventing the proper discharge of his duty)). A vacancy on
18 a port commission shall be filled as provided in chapter 42.12 RCW.

19 **Sec. 51.** RCW 54.08.060 and 1979 ex.s. c 126 s 36 are each amended
20 to read as follows:

21 Whenever a proposition for the formation of a public utility
22 district is to be submitted to voters in any county, the county
23 legislative authority may by resolution call a special election, and at
24 the request of petitioners for the formation of such district contained
25 in the petition shall do so and shall provide for holding the same at
26 the earliest practicable time. If the boundaries of the proposed
27 district embrace an area less than the entire county, such election
28 shall be confined to the area so included. The notice of such election
29 shall state the boundaries of the proposed district and the object of
30 such election; in other respects, such election shall be held and
31 called in the same manner as provided by law for the holding and
32 calling of general elections: PROVIDED, That notice thereof shall be
33 given for not less than ten days nor more than thirty days prior to
34 such special election. In submitting the ((~~said~~)) proposition to the
35 voters for their approval or rejection, such proposition shall be
36 expressed on the ballots in substantially the following terms:

1 Public Utility District No. YES

2 Public Utility District No. NO

3 At the same special election on the proposition to form a public
4 utility district, there shall also be an election for three public
5 utility district commissioners(~~(:—PROVIDED, That))~~. However, the
6 election of such commissioners shall be null and void if the
7 proposition to form the public utility district does not receive
8 approval by a majority of the voters voting on the proposition.
9 ~~((Nomination for and election of public utility district commissioners~~
10 ~~shall conform with the provisions of RCW 54.12.010 as now or hereafter~~
11 ~~amended, except for the day of such election and the term of office of~~
12 ~~the original commissioners.))~~ No primary shall be held. A special
13 filing period shall be opened as provided in RCW 29.15.170 and
14 29.15.180. The person receiving the greatest number of votes for the
15 commissioner of each commissioner district shall be elected as the
16 commissioner of that district. Commissioner districts shall be
17 established as provided in RCW 54.12.010. The terms of the initial
18 commissioners shall be staggered as follows: (1) The person who is
19 elected receiving the greatest number of votes shall be elected to a
20 six-year term of office if the election is held in an even-numbered
21 year or a five-year term if the election is held in an odd-numbered
22 year; (2) the person who is elected receiving the next greatest number
23 of votes shall be elected to a four-year term of office if the election
24 is held in an even-numbered year or a three-year term of office if the
25 election is held in an odd-numbered year; and (3) the other person who
26 is elected shall be elected to a two-year term of office if the
27 election is held in an even-numbered year or a one-year term of office
28 if the election is held in an odd-numbered year. The commissioners
29 first to be elected at such special election shall ((hold office from
30 the first day of the month following the commissioners' election for
31 the terms as specified in this section which terms shall be computed
32 from the first day in January next following the election. If such
33 special election was held in an even-numbered year, the commissioners
34 residing in commissioner district number one shall hold office for the
35 term of six years, the commissioner residing in commissioner district
36 number two shall hold office for the term of four years, and the
37 commissioner residing in commissioner district number three shall hold
38 office for the term of two years. If such special election was held in

1 ~~an odd numbered year, the commissioner residing in commissioner~~
2 ~~district number one shall hold office for the term of five years, the~~
3 ~~commissioner residing in commissioner district number two shall hold~~
4 ~~office for the term of three years, and the commissioner residing in~~
5 ~~commissioner district number three shall hold office for the term of~~
6 ~~one year)) assume office immediately when they are elected and
7 qualified, but the length of their terms of office shall be calculated
8 from the first day in January in the year following their elections.~~

9 The term "general election" as used herein means biennial general
10 elections at which state and county officers in a noncharter county are
11 elected.

12 **Sec. 52.** RCW 54.12.010 and 1990 c 59 s 109 are each amended to
13 read as follows:

14 ~~((Within ten days after such election, the county canvassing board~~
15 ~~shall canvass the returns, and if at such election a majority of the~~
16 ~~voters voting upon such proposition shall vote in favor of the~~
17 ~~formation of such district, the canvassing board shall so declare in~~
18 ~~its canvass of the returns of such election, and such public utility~~
19 ~~district shall then be and become)) A public utility district that is
20 created as provided in RCW 54.08.010 shall be a municipal corporation
21 of the state of Washington, and the name of such public utility
22 district shall be Public Utility District No. of
23 County.~~

24 The powers of the public utility district shall be exercised
25 through a commission consisting of three members in three commissioner
26 districts, and five members in five commissioner districts.

27 When the public utility district is ~~((coextensive with the limits~~
28 ~~of such county)) county-wide and the county has three county
29 legislative authority districts, then, at the first election of
30 commissioners and until any change shall have been made in the
31 boundaries of public utility district commissioner districts, one
32 public utility district commissioner shall be chosen from each of the
33 three county ~~((commissioner)) legislative authority districts ~~((of the~~
34 ~~county in which the public utility district is located if the county is~~
35 ~~not operating under a "Home Rule" charter)). When the public utility~~
36 ~~district comprises only a portion of the county, with boundaries~~
37 ~~established in accordance with chapter 54.08 RCW, or when the public~~
38 ~~utility district is ((located in a county operating under a "Home Rule"~~~~~~

1 ~~charter))~~ county-wide and the county does not have three county
2 legislative authority districts, three public utility district
3 commissioner districts, numbered consecutively, ((having)) each with
4 approximately equal population and ((boundaries,)) following ((ward
5 and)) precinct lines, as far as practicable, shall be described in the
6 petition for the formation of the public utility district, which shall
7 be subject to appropriate change by the county legislative authority if
8 and when ((they)) it changes the boundaries of the proposed public
9 utility district, and one commissioner shall be elected ((from each of
10 said)) as a commissioner of each of the public utility district
11 commissioner districts. ((In all five commissioner districts an
12 additional commissioner at large shall be chosen from each of the two
13 at large districts. No person shall be eligible to be elected to the
14 office of public utility district commissioner for a particular
15 district commissioner district unless he is a registered voter of the
16 public utility district commissioner district or at large district from
17 which he is elected.)) Commissioner districts shall be used as follows:
18 (1) Only a registered voter who resides in a commissioner district may
19 be a candidate for, or hold office as, a commissioner of the
20 commissioner district; and (2) only voters of a commissioner district
21 may vote at a primary to nominate candidates for a commissioner of the
22 commissioner district. Voters of the entire public utility district
23 may vote at a general election to elect a person as a commissioner of
24 the commissioner district.

25 ~~((Except as otherwise provided,))~~ The term of office of each public
26 utility district commissioner other than the commissioners at large
27 shall be six years, and the term of each commissioner at large shall be
28 four years. Each term shall be computed in accordance with RCW
29 29.04.170 following the commissioner's election. ((One commissioner at
30 large and one commissioner from a commissioner district shall be
31 elected at each general election held in an even-numbered year for the
32 term of four years and six years respectively. All candidates shall be
33 voted upon by the entire public utility district.

34 ~~When a public utility district is formed, three public utility~~
35 ~~district commissioners shall be elected at the same election at which~~
36 ~~the proposition is submitted to the voters as to whether such public~~
37 ~~utility district shall be formed. If the general election adopting the~~
38 ~~proposition to create the public utility district was held in an even-~~
39 ~~numbered year, the commissioner residing in commissioner district~~

1 number one shall hold office for the term of six years; the
2 commissioner residing in commissioner district number two shall hold
3 office for the term of four years; and the commissioner residing in
4 commissioner district number three shall hold office for the term of
5 two years. If the general election adopting the proposition to create
6 the public utility district was held in an odd-numbered year, the
7 commissioner residing in commissioner district number one shall hold
8 office for the term of five years, the commissioner in district two
9 shall hold office for the term of three years, and the commissioner in
10 district three shall hold office for the term of one year. The
11 commissioners first to be elected as above provided shall hold office
12 from the first day of the month following the commissioners' election
13 and their respective terms of office shall be computed from the first
14 day of January next following the election.))

15 All public utility district commissioners shall hold office until
16 their successors shall have been elected and have qualified and assume
17 office in accordance with RCW 29.04.170. ((A filing for nomination for
18 public utility district commissioner shall be accompanied by a petition
19 signed by one hundred registered voters of the public utility district
20 which shall be certified by the county auditor to contain the required
21 number of registered voters, and shall otherwise be filed in accord
22 with the requirements of Title 29 RCW. At the time of filing such
23 nominating petition, the person so nominated shall execute and file a
24 declaration of candidacy subject to the provisions of Title 29 RCW, as
25 now or hereafter amended. The petition and each page of the petition
26 shall state whether the nomination is for a commissioner from a
27 particular commissioner district or for a commissioner at large and
28 shall state the districts; otherwise it shall be void.))

29 A vacancy in the office of public utility district commissioner
30 shall occur as provided in chapter 42.12 RCW or by ((death,
31 resignation, removal, conviction of a felony,)) nonattendance at
32 meetings of the public utility district commission for a period of
33 sixty days unless excused by the public utility district commission((
34 by any statutory disqualification, or by any permanent disability
35 preventing the proper discharge of his duty. In the event of a vacancy
36 in said office, such vacancy shall be filled at the next general
37 election held in an even-numbered year, the vacancy in the interim to
38 be filled by appointment by the remaining commissioners. If more than
39 one vacancy exists at the same time in a three commissioner district,

1 or more than two in a five commissioner district, a special election
2 shall be called by the county canvassing board upon the request of the
3 remainder, or, that failing, by the county election board, such
4 election to be held not more than forty days after the occurring of
5 such vacancies.

6 A majority of the persons holding the office of public utility
7 district commissioner at any time shall constitute a quorum of the
8 commission for the transaction of business, and the concurrence of a
9 majority of the persons holding such office at the time shall be
10 necessary and shall be sufficient for the passage of any resolution,
11 but no business shall be transacted, except in usual and ordinary
12 course, unless there are in office at least a majority of the full
13 number of commissioners fixed by law)). Vacancies on a board of public
14 utility district commissioners shall be filled as provided in chapter
15 42.12 RCW.

16 The boundaries of the public utility district ((~~commissioners~~))
17 commissioner districts may be changed only by the public utility
18 district commission, and shall be examined every ten years to determine
19 substantial equality of population in accordance with chapter 29.70
20 RCW, but ((~~said~~)) the boundaries shall not be changed oftener than once
21 in four years, and only when all members of the commission are present.
22 Whenever territory is added to a public utility district under RCW
23 54.04.035, the boundaries of the public utility ((~~commissioners~~))
24 commissioner districts shall be changed to include such additional
25 territory. The proposed change of the boundaries of the public utility
26 district ((~~commissioners~~)) commissioner district must be made by
27 resolution and after public hearing. Notice of the time of a public
28 hearing thereon shall be published for two weeks prior thereto. Upon
29 a referendum petition signed by ten percent of the qualified voters of
30 the public utility district being filed with the county auditor, the
31 county legislative authority shall submit such proposed change of
32 boundaries to the voters of the public utility district for their
33 approval or rejection. Such petition must be filed within ninety days
34 after the adoption of resolution of the proposed action. The validity
35 of ((~~said~~)) the petition shall be governed by the provisions of chapter
36 54.08 RCW.

37 **Sec. 53.** RCW 54.40.070 and 1977 ex.s. c 36 s 7 are each amended to
38 read as follows:

1 Within thirty days after the public utility district commission
2 shall divide the district into two at large districts, the county
3 legislative authority shall call a special election, to be held at the
4 next scheduled special election called pursuant to RCW 29.13.010, or
5 not more than ninety days after such call, at which time the initial
6 commissioners to such at large districts shall be elected(~~(7)~~). No
7 primary shall be held and a special filing period shall be opened as
8 provided in RCW 29.15.170 and 29.15.180. The person receiving the
9 greatest number of votes for each position shall be elected.

10 The person who is elected receiving the (~~(largest)~~) greatest number
11 of votes (~~(to serve for four years)~~) shall be elected to a four-year
12 term of office, and the other person (~~(receiving the next largest~~
13 number of votes to serve an initial term of two years)) who is elected
14 shall be elected to a two-year term of office, if the election is held
15 in an even-numbered year, or the person who is elected receiving the
16 greatest number of votes shall be elected to a three-year term of
17 office, and the other person who is elected shall be elected to a one-
18 year term of office, if the election is held in an odd-numbered year.
19 The length of these terms of office shall be calculated from the first
20 day in January in the year following their elections.

21 The newly elected commissioners shall assume office immediately
22 after being elected and qualified and shall serve until their
23 successors are elected and qualified and assume office in accordance
24 with RCW 29.04.170. Each successor shall be elected to a four-year
25 term of office.

26 **Sec. 54.** RCW 56.12.020 and 1979 ex.s. c 126 s 38 are each amended
27 to read as follows:

28 At the election held to form or reorganize a sewer district,
29 (~~there shall be elected three commissioners who shall assume office~~
30 ~~immediately when qualified in accordance with RCW 29.01.135 to hold~~
31 ~~office for terms of two, four, and six years respectively, and until~~
32 ~~their successors are elected and qualified and assume office in~~
33 ~~accordance with RCW 29.04.170.~~

34 ~~The term of each nominee shall be expressed on the ballot and shall~~
35 ~~be computed from the first day of January next following if the initial~~
36 ~~election of the sewer district commissioners was in a general district~~
37 ~~election as provided in RCW 29.13.020, or from the first day of January~~
38 ~~following the first general election for sewer districts after its~~

1 ~~creation if the initial election was on a date other than a general~~
2 ~~district election. Thereafter, every two years there shall be elected~~
3 ~~a commissioner for a term of six years and until his or her successor~~
4 ~~is elected and qualified, at the general election held in the odd-~~
5 ~~numbered years, as provided in RCW 29.13.020, and conducted by the~~
6 ~~county auditor and the returns shall be canvassed by the county~~
7 ~~canvassing board of election returns: PROVIDED, That each such~~
8 ~~commissioner shall assume office in accordance with RCW 29.04.170))~~
9 three sewer district commissioners shall be elected. The election of
10 sewer district commissioners shall be null and void if the ballot
11 proposition to form or reorganize the sewer district is not approved.
12 Candidates shall run for one of three separate commissioner positions.
13 A special filing period shall be opened as provided in RCW 29.15.170
14 and 29.15.180. The person receiving the greatest number of votes for
15 each position shall be elected to that position.

16 The newly elected sewer district commissioners shall assume office
17 immediately when they are elected and qualified. Staggering of the
18 terms of office for the new sewer district commissioners shall be
19 accomplished as follows: (1) The person who is elected receiving the
20 greatest number of votes shall be elected to a six-year term of office
21 if the election is held in an odd-numbered year or a five-year term of
22 office if the election is held in an even-numbered year; (2) the person
23 who is elected receiving the next greatest number of votes shall be
24 elected to a four-year term of office if the election is held in an
25 odd-numbered year or a three-year term of office if the election is
26 held in an even-numbered year; and (3) the other person who is elected
27 shall be elected to a two-year term of office if the election is held
28 in an odd-numbered year or a one-year term of office if the election is
29 held in an even-numbered year. The terms of office shall be calculated
30 from the first day of January in the year following the election.

31 Thereafter commissioners shall be elected to six-year terms of
32 office. Commissioners shall serve until their successors are elected
33 and qualified and assume office in accordance with RCW 29.04.170.

34 **Sec. 55.** RCW 56.12.030 and 1990 c 259 s 24 are each amended to
35 read as follows:

36 ~~((1) Nominations for the first board of commissioners to be~~
37 ~~elected at the election for the formation of the sewer district shall~~
38 ~~be by petition of fifty registered voters or ten percent of the~~

1 registered voters of the district who voted in the last general
2 municipal election, whichever is the smaller. The petition shall be
3 filed in the auditor's office of the county in which the district is
4 located at least forty five days before the election. Thereafter
5 candidates for the office of sewer commissioner shall file declarations
6 of candidacy and their election shall be conducted as provided by the
7 general elections laws. A vacancy or vacancies shall be filled by
8 appointment by the remaining commissioner or commissioners until the
9 next regular election for commissioners: PROVIDED, That if there are
10 two vacancies on the board, one vacancy shall be filled by appointment
11 by the remaining commissioner and the one remaining vacancy shall be
12 filled by appointment by the then two commissioners and the appointed
13 commissioners shall serve until the next regular election for
14 commissioners. If the vacancy or vacancies remain unfilled within six
15 months of its or their occurrence, the county legislative authority in
16 which the district is located shall make the necessary appointment or
17 appointments. If there is a vacancy of the entire board a new board
18 may be appointed by the county legislative authority. Any person
19 residing in the district who is at the time of election a registered
20 voter may vote at any election held in the sewer district.

21 (2) Subsection (1) of this section notwithstanding,) The board of
22 commissioners of any sewer district may ((provide by majority vote that
23 subsequent commissioners be elected from commissioner districts)) adopt
24 a resolution providing that each subsequent commissioner be elected as
25 a commissioner of a commissioner district within the district. If the
26 board exercises this option, it shall divide the district into
27 ((three)) a number of commissioner districts ((of)) equal in number to
28 the number of commissioners on the board, each with approximately equal
29 population following current precinct and district boundaries as far as
30 practicable. ((Thereafter, candidates shall be nominated and one
31 candidate shall be elected from each commissioner district by the
32 registered voters of the commissioner district.

33 (3) All expense of elections for the formation or reorganization of
34 a sewer district shall be paid by the county in which the election is
35 held and the expenditure is hereby declared to be for a county purpose,
36 and the money paid for that purpose shall be repaid to the county by
37 the district if formed or reorganized.)) Commissioner districts shall
38 be used as follows: (1) Only a registered voter who resides in a
39 commissioner district may be a candidate for, or serve as, a

1 commissioner of the commissioner district; and (2) only voters of a
2 commissioner district may vote at a primary to nominate candidates for
3 a commissioner of the commissioner district. Voters of the entire
4 sewer district may vote at a general election to elect a person as a
5 commissioner of the commissioner district. Commissioner districts
6 shall be redrawn as provided in chapter 29.70 RCW.

7 NEW SECTION. Sec. 56. A new section is added to chapter 56.12 RCW
8 to read as follows:

9 Sewer district elections shall conform with general election laws.

10 Vacancies on a board of sewer commissioners shall occur and shall
11 be filled as provided in chapter 42.12 RCW.

12 **Sec. 57.** RCW 57.02.050 and 1982 1st ex.s. c 17 s 5 are each
13 amended to read as follows:

14 Whenever the boundaries or proposed boundaries of a water district
15 include or are proposed to include by means of formation, annexation,
16 consolidation, or merger (including merger with a sewer district)
17 territory in more than one county, all duties delegated by Title 57 RCW
18 to officers of the county in which the district is located shall be
19 delegated to the officers of the county in which the largest land area
20 of the district is located, except that elections shall be conducted
21 pursuant to (~~RCW 57.02.060, as now existing or hereafter amended~~)
22 general election law, actions subject to review and approval under RCW
23 57.02.040 and 56.02.070 shall be reviewed and approved only by the
24 officers or boards in the county in which such actions are proposed to
25 occur, verification of electors' signatures shall be conducted by the
26 county election officer of the county in which such signators reside,
27 and comprehensive plan review and approval or rejection by the
28 respective county legislative authorities under RCW 57.16.010 shall be
29 limited to that part of such plans within the respective counties.

30 **Sec. 58.** RCW 57.12.020 and 1990 c 259 s 30 are each amended to
31 read as follows:

32 (~~Nominations for the first board of commissioners to be elected at~~
33 ~~the election for the formation of the water district shall be by~~
34 ~~petition of at least ten percent of the registered voters of the~~
35 ~~district who voted in the last general municipal election, filed in the~~
36 ~~auditor's office of the county in which the district is located, at~~

1 least forty five days prior to the election. Thereafter, candidates
2 for the office of water commissioners shall file declarations of
3 candidacy and their election shall be conducted as provided by the
4 general election laws.))

5 A vacancy ((or vacancies)) on the board shall occur and shall be
6 filled ((by appointment by the remaining commissioner or commissioners
7 until the next regular election for commissioners: PROVIDED, That if
8 there are two vacancies on the board, one vacancy shall be filled by
9 appointment by the remaining commissioner and the one remaining vacancy
10 shall be filled by appointment by the then two commissioners and the
11 appointed commissioners shall serve until the next regular election for
12 commissioners. If the vacancy or vacancies remain unfilled within six
13 months of its or their occurrence, the county legislative authority in
14 which the district is located shall make the necessary appointment or
15 appointments. If there is a vacancy of the entire board a new board
16 may be appointed by the county legislative authority.

17 Any person residing in the district who is a registered voter under
18 the laws of the state may vote at any district election)) as provided
19 in chapter 42.12 RCW.

20 **Sec. 59.** RCW 57.12.030 and 1982 1st ex.s. c 17 s 14 are each
21 amended to read as follows:

22 ((The general laws of the state of Washington governing the
23 registration of voters for a general or a special city election shall
24 govern the registration of voters for elections held under this
25 chapter. The manner of holding any general or special election for
26 said)) Water district elections shall be held in accordance with the
27 general election laws of this state. ((All elections in a water
28 district shall be conducted under RCW 57.02.060. All expenses of
29 elections for a water district shall be paid for out of the funds of
30 the water district: PROVIDED, That if the voters fail to approve the
31 formation of a water district, the expenses of the formation election
32 shall be paid by each county in which the proposed district is located,
33 in proportion to the number of registered voters in the proposed
34 district residing in each county.))

35 Except as in this section otherwise provided, the term of office of
36 each water district commissioner shall be six years, such term to be
37 computed from the first day of January following the election, and
38 ((one commissioner shall be elected at each biennial general election,

1 as provided in RCW 29.13.020, for the term of six years and until his
2 or her successor is)) commissioners shall serve until their successors
3 are elected and qualified and assume((s)) office in accordance with RCW
4 29.04.170. ((All candidates shall be voted upon by the entire water
5 district.))

6 Three water district commissioners shall be elected at the same
7 election at which the proposition is submitted to the voters as to
8 whether such water district shall be formed. ((The commissioner
9 elected in commissioner position number one shall hold office for the
10 term of six years; the commissioner elected in commissioner position
11 number two shall hold office for the term of four years; and the
12 commissioner elected in commissioner position number three shall hold
13 office for the term of two years: PROVIDED, That the members of the
14 first commission shall take office immediately upon their election and
15 qualification. The terms of all commissioners first to be elected
16 shall also include the time intervening between the date that the
17 results of their election are declared in the canvass of returns
18 thereof and the first day of January following the next general
19 district election as provided in RCW 29.13.020.)) The election of
20 water district commissioners shall be null and void if the ballot
21 proposition to form the water district is approved. Each candidate
22 shall run for one of three separate commissioner positions. A special
23 filing period shall be opened as provided in RCW 29.15.170 and
24 29.15.180. The person receiving the greatest number of votes for each
25 position shall be elected to that position.

26 The newly elected water district commissioners shall assume office
27 immediately when they are elected and qualified. Staggering of the
28 terms of office for the new water district commissioners shall be
29 accomplished as follows: (1) The person who is elected receiving the
30 greatest number of votes shall be elected to a six-year term of office
31 if the election is held in an odd-numbered year or a five-year term of
32 office if the election is held in an even-numbered year; (2) the person
33 who is elected receiving the next greatest number of votes shall be
34 elected to a four-year term of office if the election is held in an
35 odd-numbered year or a three-year term of office if the election is
36 held in an even-numbered year; and (3) the other person who is elected
37 shall be elected to a two-year term of office if the election is held
38 in an odd-numbered year or a one-year term of office if the election is

1 held in an even-numbered year. The terms of office shall be calculated
2 from the first day of January after the election.

3 Thereafter, commissioners shall be elected to six-year terms of
4 office. Commissioners shall serve until their successors are elected
5 and qualified and assume office in accordance with RCW 29.04.170.

6 **Sec. 60.** RCW 57.12.039 and 1986 c 41 s 2 are each amended to read
7 as follows:

8 Notwithstanding RCW 57.12.020 and 57.12.030, the board of
9 commissioners may provide by majority vote that subsequent
10 commissioners be elected from commissioner districts within the
11 district. If the board exercises this option, it shall divide the
12 district into three commissioner districts of approximately equal
13 population following current precinct and district boundaries.
14 (~~Thereafter, candidates shall be nominated and one candidate shall be~~
15 ~~elected from each commissioner district by the electors of the~~
16 ~~commissioner district.~~)

17 Commissioner districts shall be used as follows: (1) Only a
18 registered voter who resides in a commissioner district may be a
19 candidate for, or serve as, a commissioner of the commissioner
20 district; and (2) only voters of a commissioner district may vote at a
21 primary to nominate candidates for a commissioner of the commissioner
22 district. Voters of the entire water district may vote at a general
23 election to elect a person as a commissioner of the commissioner
24 district. Commissioner districts shall be redrawn as provided in
25 chapter 29.70 RCW.

26 **Sec. 61.** RCW 57.32.022 and 1982 1st ex.s. c 17 s 31 are each
27 amended to read as follows:

28 The respective boards of water commissioners of the consolidating
29 districts shall certify the agreement to the county election officer of
30 each county in which the districts are located. A special election
31 shall be called by the county election officer (~~under RCW 57.02.060~~)
32 for the purpose of submitting to the voters of each of the
33 consolidating districts the proposition of whether or not the several
34 districts shall be consolidated into one water district. The
35 proposition shall give the title of the proposed consolidated district.
36 Notice of the election shall be given and the election conducted in
37 accordance with the general election laws.

1 **Sec. 62.** RCW 57.32.023 and 1982 1st ex.s. c 17 s 32 are each
2 amended to read as follows:

3 If at the election a majority of the voters in each of the
4 consolidating districts vote in favor of the consolidation, the county
5 canvassing board shall so declare in its canvass (~~(under RCW~~
6 ~~57.02.060)~~) and the return of such election shall be made within ten
7 days after the date thereof. Upon the return the consolidation shall
8 be effective and the consolidating districts shall cease to exist and
9 shall then be and become a new water district and municipal corporation
10 of the state of Washington. The name of such new water district shall
11 be "Water District No.", which shall be the name appearing on the
12 ballot. The district shall have all and every power, right, and
13 privilege possessed by other water districts of the state of
14 Washington. The district may issue revenue bonds to pay for the
15 construction of any additions and betterments set forth in the
16 comprehensive plan of water supply contained in the agreement for
17 consolidation and any future additions and betterments to the
18 comprehensive plan of water supply, as its board of water commissioners
19 shall by resolution adopt, without submitting a proposition therefor to
20 the voters of the district.

21 NEW SECTION. **Sec. 63.** A new section is added to chapter 68.52 RCW
22 to read as follows:

23 Cemetery district elections shall conform with general election
24 laws.

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

27 **Sec. 64.** RCW 68.52.100 and 1947 c 6 s 2 are each amended to read
28 as follows:

29 For the purpose of forming a cemetery district, a petition
30 designating the boundaries of the proposed district by metes and bounds
31 or describing the lands to be included in the proposed district by
32 government townships, ranges and legal subdivisions, signed by not less
33 than fifteen percent of the (~~qualified~~) registered (~~electors, who~~
34 ~~are property owners or are purchasing property under contract and who~~
35 ~~are resident~~) voters who reside within the boundaries of the proposed
36 district, setting forth the object of the formation of such district
37 and stating that the establishment thereof will be conducive to the

1 public welfare and convenience, shall be filed with the county auditor
2 of the county within which the proposed district is located,
3 accompanied by an obligation signed by two or more petitioners agreeing
4 to pay the cost of publishing the notice hereinafter provided for. The
5 county auditor shall, within thirty days from the date of filing of
6 such petition, examine the signatures and certify to the sufficiency or
7 insufficiency thereof (~~and for such purpose shall have access to~~
8 ~~registration books and records in possession of the registration~~
9 ~~officers of the election precincts included in whole or in part within~~
10 ~~the boundaries of the proposed district and to the tax rolls and other~~
11 ~~records in the offices of the county assessor and county treasurer. No~~
12 ~~person having~~). The name of any person who signed a petition shall
13 not be (~~allowed to withdraw his name therefrom~~) withdrawn from the
14 petition after it has been filed with the county auditor. If the
15 petition is found to contain a sufficient number of valid signatures
16 (~~of qualified persons~~), the county auditor shall transmit it, with
17 (~~his~~) a certificate of sufficiency attached, to the (~~board of~~)
18 county (~~commissioners~~) legislative authority, which shall thereupon,
19 by resolution entered upon its minutes, receive the same and fix a day
20 and hour when it will publicly hear (~~said~~) the petition.

21 **Sec. 65.** RCW 68.52.140 and 1982 c 60 s 2 are each amended to read
22 as follows:

23 The (~~board of~~) county (~~commissioners~~) legislative authority
24 shall have full authority to hear and determine the petition, and if it
25 finds that the formation of the district will be conducive to the
26 public welfare and convenience, it shall by resolution so declare,
27 otherwise it shall deny the petition. If the (~~board~~) county
28 legislative authority finds in favor of the formation of the district,
29 it shall designate the name and number of the district, fix the
30 boundaries thereof, and cause an election to be held therein for the
31 purpose of determining whether or not the district shall be organized
32 under the provisions of this chapter, and for the purpose of electing
33 its first cemetery district commissioners. (~~The board shall, prior to~~
34 ~~calling the said election, name three registered resident electors who~~
35 ~~are property owners or are purchasing property under contract within~~
36 ~~the boundaries of the district as candidates for election as cemetery~~
37 ~~district commissioners. These electors are exempt from the~~
38 ~~requirements of chapter 42.17 RCW.)) At the same election three~~

1 office in accordance with RCW 29.04.170. At the next general district
2 election, as provided in RCW 29.13.020, provided it occurs thirty or
3 more days after the formation of the district, three members of the
4 board of cemetery commissioners shall be chosen. They and all
5 subsequently elected cemetery commissioners shall have the same
6 qualifications as required of the first three cemetery commissioners
7 and)) Cemetery district commissioners and candidates for cemetery
8 district commissioner are exempt from the requirements of chapter 42.17
9 RCW. ((The candidate receiving the highest number of votes shall serve
10 for a term of six years beginning on the first day in January
11 following; the candidate receiving the next higher number of votes
12 shall serve for a term of four years from the date; and the candidate
13 receiving the next higher number of votes shall serve for a term of two
14 years from the date. Upon the expiration of their respective terms,
15 all cemetery commissioners shall be elected for terms of six years to
16 begin on the first day in January next succeeding the day of election
17 and shall serve until their successors have been elected and qualified
18 and assume office in accordance with RCW 29.04.170. Elections shall be
19 called, noticed, conducted and canvassed and in the same manner and by
20 the same officials as provided for general county elections.))

21 The initial cemetery district commissioners shall assume office
22 immediately upon their election and qualification. Staggering of terms
23 of office shall be accomplished as follows: (1) The person elected
24 receiving the greatest number of votes shall be elected to a six-year
25 term of office if the election is held in an odd-numbered year or a
26 five-year term of office if the election is held in an even-numbered
27 year; (2) the person who is elected receiving the next greatest number
28 of votes shall be elected to a four-year term of office if the election
29 is held in an odd-numbered year or a three-year term of office if the
30 election is held in an even-numbered year; and (3) the other person who
31 is elected shall be elected to a two-year term of office if the
32 election is held in an odd-numbered year or a one-year term of office
33 if the election is held in an even-numbered year. The initial
34 commissioners shall assume office immediately after they are elected
35 and qualified but their terms of office shall be calculated from the
36 first day of January after the election.

37 Thereafter, commissioners shall be elected to six-year terms of
38 office. Commissioners shall serve until their successors are elected
39 and qualified and assume office as provided in RCW 29.04.170.

1 The polling places for a cemetery district election (~~(shall be~~
2 ~~those of the county voting precincts which include any of the territory~~
3 ~~within the cemetery district, and)) may be located inside or outside
4 the boundaries of the district, as determined by the auditor of the
5 county in which the cemetery district is located, and no such election
6 shall be held irregular or void on that account.~~

7 **Sec. 68.** RCW 70.44.040 and 1990 c 259 s 39 are each amended to
8 read as follows:

9 (1) The provisions of Title 29 RCW relating to elections shall
10 govern public hospital districts, except (~~that:—(1))~~) as provided in
11 this chapter.

12 A public hospital district shall be created when the ballot
13 proposition authorizing the creation of the district is approved by a
14 simple majority vote of the voters of the proposed district voting on
15 the proposition and the total vote cast upon the proposition (~~(to form~~
16 ~~a hospital district shall))~~ exceeds forty percent of the total number
17 of votes cast in the (~~(precincts comprising the))~~ proposed district at
18 the preceding state general (~~(and county))~~ election(~~(; and (2) hospital~~
19 ~~district commissioners shall hold office for the term of six years and~~
20 ~~until their successors are elected and qualified, each term to commence~~
21 ~~on the first day in January following the election))~~).

22 At the election at which the proposition is submitted to the voters
23 as to whether a district shall be formed, three commissioners shall be
24 elected (~~(to hold office, respectively, for the terms of two, four, and~~
25 ~~six years. All candidates shall be voted upon by the entire district,~~
26 ~~and the candidate residing in commissioner district No. 1 receiving the~~
27 ~~highest number of votes in the hospital district shall hold office for~~
28 ~~the term of six years; the candidate residing in commissioner district~~
29 ~~No. 2 receiving the highest number of votes in the hospital district~~
30 ~~shall hold office for the term of four years; and the candidate~~
31 ~~residing in commissioner district No. 3 receiving the highest number of~~
32 ~~votes in the hospital district shall hold office for the term of two~~
33 ~~years. The first commissioners to be elected shall take office~~
34 ~~immediately when qualified in accordance with RCW 29.01.135. Each term~~
35 ~~of the initial commissioners shall date from the time above specified~~
36 ~~following the organizational election, but shall also include the~~
37 ~~period intervening between the organizational election and the first~~
38 ~~day of January following the next district general election: PROVIDED,~~

1 That in public hospital districts encompassing portions of more than
2 one county, the total vote cast upon the proposition to form the
3 district shall exceed forty percent of the total number of votes cast
4 in each portion of each county lying within the proposed district at
5 the next preceding general county election. The portion of the
6 proposed district located within each county shall constitute a
7 separate commissioner district. There shall be three district
8 commissioners whose terms shall be six years. Each district shall be
9 designated by the name of the county in which it is located. All
10 candidates for commissioners shall be voted upon by the entire
11 district. Not more than one commissioner shall reside in any one
12 district: PROVIDED FURTHER, That in the event there are only two
13 districts then two commissioners may reside in one district. The term
14 of each commissioner shall commence on the first day in January in each
15 year following his election. At the election at which the proposition
16 is submitted to the voters as to whether a district shall be formed,
17 three commissioners shall be elected to hold office, respectively, for
18 the terms of two, four, and six years. The candidate receiving the
19 highest number of votes within the district, as constituted by the
20 election, shall serve a term of six years; the candidate receiving the
21 next highest number of votes shall hold office for a term of four
22 years; and the candidate receiving the next highest number of votes
23 shall hold office for a term of two years: PROVIDED FURTHER, That the
24 holding of each such term of office shall be subject to the residential
25 requirements for district commissioners hereinbefore set forth in this
26 section)). The election of the initial commissioners shall be null and
27 void if the district is not authorized to be created.

28 No primary shall be held. A special filing period shall be opened
29 as provided in RCW 29.15.170 and 29.15.180. The person receiving the
30 greatest number of votes for the commissioner of each commissioner
31 district shall be elected as the commissioner of that district. The
32 terms of office of the initial public hospital district commissioners
33 shall be staggered as follows: (a) The person who is elected receiving
34 the greatest number of votes shall be elected to a six-year term of
35 office if the election is held in an odd-numbered year or a five-year
36 term of office if the election is held in an even-numbered year; (b)
37 the person who is elected receiving the next greatest number of votes
38 shall be elected to a four-year term of office if the election is held
39 in an odd-numbered year or a three-year term of office if the election

1 is held in an even-numbered year; and (c) the other person who is
2 elected shall be elected to a two-year term of office if the election
3 is held in an odd-numbered year or a one-year term of office if the
4 election is held in an even-numbered year. The initial commissioners
5 shall take office immediately when they are elected and qualified, but
6 the length of such terms shall be computed from the first day of
7 January in the year following this election. The term of office of
8 each successor shall be six years. Each commissioner shall serve until
9 a successor is elected and qualified and assumes office in accordance
10 with RCW 29.04.170.

11 (2) Commissioner districts shall be used as follows: (a) Only a
12 registered voter who resides in a commissioner district may be a
13 candidate for, or hold office as, a commissioner of the commissioner
14 district; and (b) only voters of a commissioner district may vote at a
15 primary to nominate candidates for a commissioner of the commissioner
16 district. Voters of the entire public hospital district may vote at a
17 general election to elect a person as a commissioner of the
18 commissioner district.

19 If the proposed public hospital district is county-wide, and the
20 county has three county legislative authority districts, the county
21 legislative authority districts shall be used as public hospital
22 district commissioner districts. In all other instances the county
23 auditor of the county in which all or the largest portion of the
24 proposed public hospital district is located shall draw the initial
25 three public hospital district commissioner districts, each of which
26 shall constitute as nearly as possible one-third of the total
27 population of the proposed public hospital district and number the
28 districts one, two, and three. Each of the three commissioner
29 positions shall be numbered one through three and associated with the
30 district of the same number.

31 The public hospital district commissioners may redraw commissioner
32 districts, if the public hospital district has boundaries that are not
33 coterminous with the boundaries of a county with three county
34 legislative authority districts, so that each district comprises as
35 nearly as possible one-third of the total population of the public
36 hospital district. The commissioners of a public hospital district
37 that is not coterminous with the boundaries of a county that has three
38 county legislative authority districts shall redraw hospital district
39 commissioner boundaries as provided in chapter 29.70 RCW.

1 **Sec. 69.** RCW 70.44.045 and 1982 c 84 s 13 are each amended to read
2 as follows:

3 A vacancy in the office of commissioner shall occur as provided in
4 chapter 42.12 RCW or by ((death, resignation, removal, conviction of
5 felony,)) nonattendance at meetings of the commission for sixty days,
6 unless excused by the commission((, by any statutory disqualification,
7 by any permanent disability preventing the proper discharge of his
8 duty, or by creation of positions pursuant to RCW 70.44.051, et seq)).
9 A vacancy ((or vacancies on the board)) shall be filled ((by
10 appointment by the remaining commissioner or commissioners until the
11 next regular election for commissioners as provided by RCW 70.44.040:
12 PROVIDED, That if there is only one remaining commissioner, one vacancy
13 shall be filled by appointment by the remaining commissioner and the
14 remaining vacancy or vacancies shall be filled by appointment by the
15 then two commissioners and the appointed commissioners shall serve
16 until the next regular election for commissioners: PROVIDED FURTHER,
17 That if there is a vacancy of the entire board, a new board may be
18 appointed by the board of county commissioners or county council)) as
19 provided in chapter 42.12 RCW.

20 **Sec. 70.** RCW 70.44.053 and 1967 c 77 s 2 are each amended to read
21 as follows:

22 At any general or special election which may be called for that
23 purpose the board of public hospital district commissioners may, or on
24 petition of ten percent of the ((electors)) voters based on the total
25 vote cast in the last district general election in the public hospital
26 district shall, by resolution, submit to the voters of the district the
27 proposition increasing the number of commissioners to ((any number
28 authorized in RCW 70.44.051)) either five or seven members. The
29 petition or resolution shall specify whether it is proposed to increase
30 the number of commissioners to either five or seven members.

31 If the voters of the district approve the ballot proposition
32 authorizing the increase in the number of commissioners to either five
33 or seven members, the board of commissioners shall redistrict the
34 public hospital district into the appropriate number of commissioner
35 districts. The additional commissioners shall be elected from
36 commissioner districts in which no existing commissioner resides at the
37 next state general election occurring one hundred twenty days or more
38 after the date of the election at which the voters of the district

1 approved the ballot proposition authorizing the increase in the number
2 of commissioners. If needed, special filing periods shall be
3 authorized as provided in RCW 29.15.170 and 29.15.180 for qualified
4 persons to file for the vacant office. A primary shall be held to
5 nominate candidates if sufficient time exists to hold a primary and
6 more than two candidates file for the vacant office. Otherwise, a
7 primary shall not be held and the candidate receiving the greatest
8 number of votes for each position shall be elected. Except for the
9 initial terms of office, persons elected to each of these additional
10 commissioner positions shall be elected to a six-year term.

11 Where the number of commissioners is increased from three to five,
12 the initial terms of the two new commissioners shall be staggered so
13 that the person who is elected receiving the greatest number of votes
14 shall be elected to a six-year term of office if the election is held
15 in an odd-numbered year or a five-year term if the election is held in
16 an even-numbered year, and the other person elected shall be elected to
17 a four-year term of office if the election is held in an odd-numbered
18 year or a three-year term if the election is held in an even-numbered
19 year. The newly elected commissioners shall assume office as provided
20 in RCW 29.04.170.

21 Where the number of commissioners is increased from three or five
22 to seven, the county auditor of the county in which all or the largest
23 portion of the hospital district is located shall cause the initial
24 terms of office of the additional commissioners to be staggered over
25 the next three district general elections so that two commissioners
26 would normally be elected at the first district general election
27 following the election where the additional commissioners are elected,
28 two commissioners are normally elected at the second district general
29 election after the election of the additional commissioners, and three
30 commissioners are normally elected at the third district general
31 election following the election of the additional commissioners. The
32 newly elected commissioners shall assume office as provided in RCW
33 29.04.170.

34 NEW SECTION. Sec. 71. The following acts or parts of acts are
35 each repealed:

- 36 (1) RCW 35.23.050 and 1965 c 7 s 35.23.050;
37 (2) RCW 35.23.070 and 1965 c 7 s 35.23.070;
38 (3) RCW 35.24.060 and 1965 c 7 s 35.24.060;

1 (4) RCW 35.24.070 and 1965 c 7 s 35.24.070;
2 (5) RCW 35.27.100 and 1965 c 7 s 35.27.100;
3 (6) RCW 35.27.110 and 1965 c 7 s 35.27.110;
4 (7) RCW 35.61.060 and 1985 c 416 s 2 & 1965 c 7 s 35.61.069;
5 (8) RCW 35.61.070 and 1965 c 7 s 35.61.070;
6 (9) RCW 35.61.080 and 1965 c 7 s 35.61.080;
7 (10) RCW 35A.02.001 and 1989 c 84 s 35;
8 (11) RCW 35A.02.100 and 1967 ex.s. c 119 s 35A.02.100;
9 (12) RCW 35A.02.110 and 1979 ex.s. c 18 s 9 & 1967 ex.s. c 119 s
10 35A.02.110;
11 (13) RCW 35A.12.060 and 1967 ex.s. c 119 s 35A.12.060;
12 (14) RCW 35A.14.060 and 1967 ex.s. c 119 s 35A.14.060;
13 (15) RCW 35A.15.030 and 1967 ex.s. c 119 s 35A.15.030;
14 (16) RCW 35A.16.020 and 1967 ex.s. c 119 s 35A.16.020;
15 (17) RCW 35A.29.010 and 1967 ex.s. c 119 s 35A.29.010;
16 (18) RCW 35A.29.020 and 1967 ex.s. c 119 s 35A.29.020;
17 (19) RCW 35A.29.030 and 1967 ex.s. c 119 s 35A.29.030;
18 (20) RCW 35A.29.040 and 1967 ex.s. c 119 s 35A.29.040;
19 (21) RCW 35A.29.050 and 1967 ex.s. c 119 s 35A.29.050;
20 (22) RCW 35A.29.060 and 1967 ex.s. c 119 s 35A.29.060;
21 (23) RCW 35A.29.070 and 1967 ex.s. c 119 s 35A.29.070;
22 (24) RCW 35A.29.080 and 1967 ex.s. c 119 s 35A.29.080;
23 (25) RCW 35A.29.090 and 1986 c 234 s 32 & 1985 c 281 s 27;
24 (26) RCW 35A.29.100 and 1967 ex.s. c 119 s 35A.29.100;
25 (27) RCW 35A.29.105 and 1990 c 59 s 106 & 1967 ex.s. c 119 s
26 35A.29.105;
27 (28) RCW 35A.29.110 and 1990 c 59 s 107, 1986 c 167 s 21, 1979
28 ex.s. c 18 s 30, 1970 ex.s. c 52 s 4, & 1967 ex.s. c 119 s 35A.29.110;
29 (29) RCW 35A.29.140 and 1967 ex.s. c 119 s 35A.29.140;
30 (30) RCW 35A.29.150 and 1970 ex.s. c 52 s 5 & 1967 ex.s. c 119 s
31 35A.29.150;
32 (31) RCW 36.54.080 and 1973 1st ex.s. c 195 s 36 & 1963 c 4 s
33 36.54.080;
34 (32) RCW 36.54.090 and 1963 c 4 s 36.54.090;
35 (33) RCW 36.54.100 and 1963 c 4 s 36.54.100;
36 (34) RCW 36.69.060 and 1963 c 4 s 36.69.060;
37 (35) RCW 44.70.010 and 1987 c 298 s 7;
38 (36) RCW 53.12.047 and 1992 c 146 s 6;

1 (37) RCW 53.12.150 and 1990 c 40 s 1, 1985 c 87 s 1, 1983 c 11 s 1,
2 1959 c 175 s 8, & 1959 c 17 s 8;

3 (38) RCW 57.02.060 and 1982 1st ex.s. c 17 s 6;

4 (39) RCW 68.52.240 and 1947 c 6 s 16;

5 (40) RCW 70.44.051 and 1967 c 77 s 1;

6 (41) RCW 70.44.055 and 1967 c 77 s 3; and

7 (42) RCW 70.44.057 and 1967 c 77 s 4.

8 NEW SECTION. **Sec. 72.** (1) Section 3 of this act shall expire
9 January 1, 1995.

10 (2)(a) Section 4 of this act shall take effect January 1, 1995.

11 (b) Section 20 of this act shall take effect July 1, 1994.

--- END ---