

**HB 1473** - S COMM AMD

By Committee on Government Operations & Elections

ADOPTED 04/17/2003

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

3 "Sec. 1. RCW 36.16.110 and 1963 c 4 s 36.16.110 are each amended  
4 to read as follows:

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

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

18 **Sec. 2.** RCW 36.32.0558 and 1990 c 252 s 6 are each amended to read  
19 as follows:

20 Vacancies on a board of county commissioners consisting of five  
21 members shall be filled as provided in RCW 36.32.070, except that:

22 (1) Whenever there are three or more vacancies, the governor shall  
23 appoint one or more commissioners until there are a total of three  
24 commissioners;

25 (2) Whenever there are two vacancies, the three commissioners shall  
26 fill one of the vacancies; ((and))

27 (3) Whenever there is one vacancy, the four commissioners shall  
28 fill the single vacancy; and

1 (4) Whenever there is a vacancy after the general election in a  
2 year that the position appears on the ballot and before the start of  
3 the next term, the term of the successor who is of the same party as  
4 the incumbent may commence once he or she has qualified as defined in  
5 RCW 29.01.135 and shall continue through the term for which he or she  
6 was elected.

7 **Sec. 3.** RCW 36.32.070 and 1990 c 252 s 7 are each amended to read  
8 as follows:

9 Whenever there is a vacancy in the board of county commissioners,  
10 except as provided in RCW 36.32.0558, it shall be filled as follows:

11 (1) If there are three vacancies, the governor of the state shall  
12 appoint two of the officers. The two commissioners thus appointed  
13 shall then meet and select the third commissioner. If the two  
14 appointed commissioners fail to agree upon selection of the third after  
15 the expiration of five days from the day they were appointed, the  
16 governor shall appoint the remaining commissioner.

17 (2) Whenever there are two vacancies in the office of county  
18 commissioner, the governor shall appoint one commissioner, and the two  
19 commissioners then in office shall appoint the third commissioner. If  
20 they fail to agree upon a selection after the expiration of five days  
21 from the day of the governor's appointment, the governor shall appoint  
22 the third commissioner.

23 (3) Whenever there is one vacancy in the office of county  
24 commissioner, the two remaining commissioners shall fill the vacancy.  
25 If the two commissioners fail to agree upon a selection after the  
26 expiration of five days from the day the vacancy occurred, the governor  
27 shall appoint the third commissioner.

28 (4) Whenever there is a vacancy in the office of county  
29 commissioner after the general election in a year that the position  
30 appears on the ballot and before the start of the next term, the term  
31 of the successor who is of the same party as the incumbent may commence  
32 once he or she has qualified as defined in RCW 29.01.135 and shall  
33 continue through the term for which he or she was elected.

34 **Sec. 4.** RCW 42.12.040 and 2002 c 108 s 2 are each amended to read  
35 as follows:

1       (1) If a vacancy occurs in any partisan elective office in the  
2 executive or legislative branches of state government or in any  
3 partisan county elective office before the sixth Tuesday prior to the  
4 primary for the next general election following the occurrence of the  
5 vacancy, a successor shall be elected to that office at that general  
6 election. Except during the last year of the term of office, if such  
7 a vacancy occurs on or after the sixth Tuesday prior to the primary for  
8 that general election, the election of the successor shall occur at the  
9 next succeeding general election. The elected successor shall hold  
10 office for the remainder of the unexpired term. This section shall not  
11 apply to any vacancy occurring in a charter county which has charter  
12 provisions inconsistent with this section.

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

19       NEW SECTION. **Sec. 5.** This act takes effect January 1, 2004, if  
20 the proposed amendment to Article II, section 15 of the state  
21 Constitution (HJR --) is validly submitted to and is approved and  
22 ratified by the voters at a general election held in November 2003. If  
23 the proposed amendment is not approved and ratified, this act is void  
24 in its entirety."

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25       On page 1, line 1 of the title, after "office;" strike the  
26 remainder of the title and insert "amending RCW 36.16.110, 36.32.0558,  
27 36.32.070, and 42.12.040; and providing a contingent effective date."

EFFECT:       Where the successor is of a different party than the

incumbent, a post-election, pre-January vacancy must be filled through the appointment process.

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