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**SUBSTITUTE HOUSE BILL 2476**

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**State of Washington**

**52nd Legislature**

**1992 Regular Session**

**By** House Committee on Local Government (originally sponsored by Representatives Franklin, Wood, Haugen, Ferguson, Mitchell, Wynne, Roland and Winsley)

Read first time 02/05/92.

1 AN ACT Relating to local government; amending RCW 42.12.010,  
2 43.06.010, 14.08.304, 28A.315.520, 29.15.050, 29.15.120, 29.15.200,  
3 29.30.040, 35.17.020, 35.17.400, 35.18.020, 35.18.270, 35.23.050,  
4 35.23.240, 35.23.530, 35.24.060, 35.24.100, 35.24.290, 35.27.100,  
5 35.27.140, 35.61.050, 35A.12.040, 35A.12.050, 35A.12.060, 35A.12.180,  
6 35A.13.020, 36.69.020, 36.69.070, 36.69.080, 36.69.090, 36.69.100,  
7 36.69.440, 44.70.010, 52.06.085, 52.14.010, 52.14.015, 52.14.020,  
8 52.14.030, 52.14.050, 52.14.060, 53.12.010, 53.12.060, 53.12.120,  
9 53.12.130, 53.12.140, 53.12.172, 53.16.030, 54.08.060, 54.12.010,  
10 54.40.070, 56.12.015, 56.12.020, 56.12.030, 57.02.050, 57.12.015,  
11 57.12.020, 57.12.030, 57.12.039, 57.32.022, 57.32.023, 68.52.100,  
12 68.52.140, 68.52.160, 68.52.220, 70.44.040, 70.44.045, 70.44.053, and  
13 85.38.070; adding a new section to chapter 29.15 RCW; adding a new  
14 section to chapter 42.12 RCW; adding a new section to chapter 35.02  
15 RCW; adding a new section to chapter 35.61 RCW; adding a new section to  
16 chapter 52.14 RCW; adding new sections to chapter 53.16 RCW; adding a

1 new section to chapter 54.12 RCW; adding a new section to chapter 56.12  
2 RCW; adding a new section to chapter 57.12 RCW; adding new sections to  
3 chapter 68.52 RCW; adding a new section to chapter 70.44 RCW; repealing  
4 RCW 35.61.060, 35.61.070, 35.61.080, 36.54.080, 36.54.090, 36.54.100,  
5 36.69.060, 53.12.020, 53.12.035, 53.12.050, 53.12.057, 53.12.150,  
6 53.12.180, 53.12.190, 53.12.200, 53.12.220, 53.16.010, 57.02.060,  
7 68.52.240, 70.44.051, 70.44.055, and 70.44.057; and providing an  
8 effective date.

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

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

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

17 (1) Where one position is vacant, the remaining members of the  
18 governing body shall appoint a qualified person to fill the vacant  
19 position.

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

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

6 (4) If a governing body fails to appoint a qualified person to fill  
7 a vacancy within ninety days of the occurrence of the vacancy, the  
8 authority of the governing body to fill the vacancy shall cease and the  
9 county legislative authority of the county in which all or the largest  
10 geographic portion of the city, town, or special district is located  
11 shall appoint a qualified person to fill the vacancy.

12 (5) If the county legislative authority of the county fails to  
13 appoint a qualified person within one hundred eighty days of the  
14 occurrence of the vacancy, the county legislative authority or the  
15 remaining members of the governing body of the city, town, or special  
16 district may petition the governor to appoint a qualified person to  
17 fill the vacancy. The governor may appoint a qualified person to fill  
18 the vacancy after being petitioned if at the time the governor fills  
19 the vacancy the county legislative authority has not appointed a  
20 qualified person to fill the vacancy.

21 (6) As provided in RCW 29.21.380 and 29.21.410, each person who is  
22 appointed shall serve until a qualified person is elected at the next  
23 election at which a member of the governing body normally would be  
24 elected that occurs twenty-eight or more days after the occurrence of  
25 the vacancy. If needed, special filing periods shall be authorized as  
26 provided in RCW 29.21.360 and 29.21.370 for qualified persons to file  
27 for the vacant office. A primary shall be held to nominate candidates  
28 if sufficient time exists to hold a primary and more than two  
29 candidates file for the vacant office. Otherwise, a primary shall not  
30 be held and the person receiving the greatest number of votes shall be

1 elected. The person elected shall take office immediately and serve  
2 the remainder of the unexpired term.

3 If an election for the position that became vacant would otherwise  
4 have been held at this general election date, only one election to fill  
5 the position shall be held and the person elected to fill the  
6 succeeding term for that position shall take office immediately when  
7 qualified as defined in RCW 29.01.135 and shall service both the  
8 remainder of the unexpired term and the succeeding term.

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

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

13 (1) The death of the incumbent;

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

16 (3) His or her removal;

17 (4) His or her ceasing to be a legally ~~((qualified elector))~~  
18 registered voter of the district, county, city, town, or other  
19 municipal or quasi municipal corporation from which he or she shall  
20 have been elected or appointed, including where applicable the council  
21 district, commissioner district, or ward from which he or she shall  
22 have been elected or appointed;

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

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

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

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

3 **Sec. 3.** RCW 43.06.010 and 1991 c 257 s 22 are each amended to read  
4 as follows:

5 In addition to those prescribed by the Constitution, the governor  
6 may exercise the powers and perform the duties prescribed in this and  
7 the following sections:

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

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

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

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

20 (5) Whenever any suit or legal proceeding is pending against this  
21 state, or which may affect the title of this state to any property, or  
22 which may result in any claim against the state, the governor may  
23 direct the attorney general to appear on behalf of the state, and  
24 report the same to the governor, or to any grand jury designated by the  
25 governor, or to the legislature when next in session;

26 (6) The governor may require the attorney general or any  
27 prosecuting attorney to inquire into the affairs or management of any  
28 corporation existing under the laws of this state, or doing business in

1 this state, and report the same to the governor, or to any grand jury  
2 designated by the governor, or to the legislature when next in session;

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

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

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

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

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

18 (12) The governor may, after finding that a public disorder,  
19 disaster, energy emergency, or riot exists within this state or any  
20 part thereof which affects life, health, property, or the public peace,  
21 proclaim a state of emergency in the area affected, and the powers  
22 granted the governor during a state of emergency shall be effective  
23 only within the area described in the proclamation;

24 (13) The governor shall, when appropriate, submit to the select  
25 joint committee created by RCW 43.131.120, lists of state agencies, as  
26 defined by RCW 43.131.030, which agencies might appropriately be  
27 scheduled for termination by a bill proposed by the select joint  
28 committee;

29 (14) The governor may, after finding that there exists within this  
30 state an imminent danger of infestation of plant pests as defined in

1 RCW 17.24.007 or plant diseases which seriously endangers the  
2 agricultural or horticultural industries of the state of Washington, or  
3 which seriously threatens life, health, or economic well-being, order  
4 emergency measures to prevent or abate the infestation or disease  
5 situation, which measures, after thorough evaluation of all other  
6 alternatives, may include the aerial application of pesticides.

7 **Sec. 4.** RCW 14.08.304 and 1979 ex.s. c 126 s 3 are each amended to  
8 read as follows:

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

27 **Sec. 5.** RCW 28A.315.520 and 1971 c 53 s 4 are each amended to read  
28 as follows:

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

8 **Sec. 6.** RCW 29.15.050 and 1990 c 59 s 85 are each amended to read  
9 as follows:

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

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

28 When the candidacy is for((÷

1       ~~(1))~~ a legislative or judicial office that includes territory from  
2 more than one county, the fee shall be paid to the secretary of state  
3 for equal division between the treasuries of the counties comprising  
4 the district.

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

8       **Sec. 7.** RCW 29.15.120 and 1990 c 59 s 86 are each amended to read  
9 as follows:

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

1        NEW SECTION.    **Sec. 8.**    A new section is added to chapter 29.15 RCW  
2 to read as follows:

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

7        **Sec. 9.**    RCW 29.15.200 and 1975-'76 2nd ex.s. c 120 s 13 are each  
8 amended to read as follows:

9        If after both the normal filing period and special three day filing  
10 period as provided by RCW 29.15.170 and 29.15.180(~~(, as now or~~  
11 ~~hereafter amended,~~)) have passed and still no candidate has filed for  
12 any single city, town, or district position to be filled, the election  
13 for such position shall be deemed lapsed, the office deemed stricken  
14 from the ballot and no write-in votes counted. In such instance, the  
15 incumbent occupying such position shall remain in office and continue  
16 to serve until ((his)) a successor is elected at the next election when  
17 such positions are voted upon ((as provided by RCW 29.21.410, as now or  
18 hereafter amended)).

19        **Sec. 10.**    RCW 29.30.040 and 1990 c 59 s 94 are each amended to read  
20 as follows:

21        At primaries, the names of candidates for federal, state, and  
22 county partisan offices, for the office of superintendent of public  
23 instruction, for the office of commissioner in a public utility  
24 district with a population of two hundred fifty thousand or more, and  
25 for judicial offices shall, for each office or position, be arranged  
26 initially in the order determined under RCW 29.30.025. Additional sets  
27 of ballots shall be prepared in which the positions of the names of all  
28 candidates for each office or position shall be changed as many times

1 as there are candidates in the office or position in which there are  
2 the greatest number of names. As nearly as possible an equal number of  
3 ballots shall be prepared after each change. In making the changes of  
4 position between each set of ballots, the candidates for each such  
5 office in the first position under the office heading shall be moved to  
6 the last position under that office heading, and each other name shall  
7 be moved up to the position immediately above its previous position  
8 under that office heading. The effect of this rotation of the order of  
9 the names shall be that the name of each candidate for an office or  
10 position shall appear first, second, and so forth for that office or  
11 position on the ballots of a nearly equal number of registered voters  
12 in that jurisdiction. In a precinct using voting devices, the names of  
13 the candidates for each office shall appear in only one sequence in  
14 that precinct. The names of candidates for city, town, and district  
15 office on the ballot at the primary shall not be rotated, except for  
16 public utility districts as provided in this section. When names are  
17 rotated as provided in this section in a public utility district  
18 primary, the district shall pay the additional expense of rotation.

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

21 An election shall be held to elect city or town elected officials  
22 at the next municipal general election occurring more than twelve  
23 months after the date of the first election of councilmembers or  
24 commissioners. Candidates shall run for specific council or commission  
25 positions. The staggering of terms of members of the city or town  
26 council shall be established at this election, where the simple  
27 majority of the persons elected as councilmembers receiving the  
28 greatest numbers of votes shall be elected to four-year terms of office  
29 and the remainder of the persons elected as councilmembers shall be

1 elected to two-year terms of office. Newly elected councilmembers or  
2 newly elected commissioners shall serve until their successors are  
3 elected and qualified. The terms of office of newly elected  
4 commissioners shall not be staggered, as provided in chapter 35.17 RCW.  
5 All councilmembers and commissioners who are elected subsequently shall  
6 be elected to four-year terms of office and shall serve until their  
7 successors are elected and qualified and assume office in accordance  
8 with RCW 29.04.170.

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

11 All regular elections in cities organized under the statutory  
12 commission form of government shall be held quadrennially in the odd-  
13 numbered years on the dates provided in RCW 29.13.020. The  
14 commissioners shall be nominated and elected at large. Their terms  
15 shall be for four years and until their successors are elected and  
16 qualified and assume office in accordance with RCW 29.04.170. (~~If a~~  
17 ~~vacancy occurs in the commission the remaining members shall appoint a~~  
18 ~~person to fill it for the unexpired term.)) Vacancies on a commission  
19 shall occur and shall be filled as provided in chapter 42.12 RCW,  
20 except that in every instance a person shall be elected to fill the  
21 remainder of the unexpired term at the next general municipal election  
22 that occurs sixty or more days after the occurrence of the vacancy.~~

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

25 The first election of commissioners shall be held (~~within~~) at the  
26 next special election that occurs at least sixty days after the  
27 (~~adoption of~~) election results are certified where the proposition to  
28 organize under the commission form was approved by city voters, and the

1 commission first elected shall commence to serve as soon as they have  
2 been elected and have qualified and shall continue to serve until their  
3 successors have been elected and qualified and have assumed office in  
4 accordance with RCW 29.04.170. The date of the second election for  
5 commissioners shall be in accordance with RCW 29.13.020 such that the  
6 term of the first commissioners will be as near as possible to, but not  
7 in excess of, four years.

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

10 (1) The number of ~~((councilmen))~~ councilmembers in a city or town  
11 operating with a council-manager plan of government shall be ~~((in~~  
12 ~~proportion to the population of the city or town indicated in its~~  
13 ~~petition for incorporation and thereafter shall be in proportion to its~~  
14 ~~population as last))~~ based upon the latest population of the city or  
15 town that is determined by the office of financial management as  
16 follows:

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

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

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

28 (a) ~~One councilman shall be nominated and elected from each ward or~~  
29 ~~such other existing district of said city as may have been established~~

1 for the election of members of the legislative body of the city and the  
2 remaining councilmen shall be elected at large; but if there are no  
3 such wards or districts in the city, or at an initial election for the  
4 incorporation of a community, the councilmen shall be elected at large.

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

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

17 (d) In determining the candidates receiving the highest number of  
18 votes, only the candidate receiving the highest number of votes in each  
19 ward, as well as the councilman at large or councilmen at large, are to  
20 be considered)) Except for the initial staggering of terms,  
21 councilmembers shall serve for four-year terms of office. All  
22 councilmembers shall serve until their successors are elected and  
23 qualified and assume office in accordance with RCW 29.04.170.  
24 Councilmembers may be elected on a city-wide or town-wide basis, or  
25 from wards or districts, or any combination of these alternatives.  
26 Candidates shall run for specific positions. Wards or districts shall  
27 be redrawn as provided in chapter 29.70 RCW. Wards or districts shall  
28 be used as follows: (a) Only a resident of the ward or district may be  
29 a candidate for, or hold office as, a councilmember of the ward or  
30 district; and (b) only voters of the ward or district may vote at a

1 primary to nominate candidates for a councilmember of the ward or  
2 district. Voters of the entire city may vote at the general election  
3 to elect a councilmember of a ward or district.

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

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

1 ~~decrease shall not take effect until the next regular city or town~~  
2 ~~election: PROVIDED, That))~~ the new position is filled by election.

3 (4) When a city or town has qualified for a decrease in the number  
4 of councilmembers from seven to five by virtue of the next succeeding  
5 population determination made by the office of financial management,  
6 two council positions shall be eliminated at the next municipal general  
7 election if four council positions normally would be filled at that  
8 election, or one council position shall be eliminated at each of the  
9 next two succeeding municipal general elections if three council  
10 positions normally would be filled at the first municipal general  
11 election after the population determination. The council shall by  
12 ordinance indicate which, if any, of the remaining positions shall be  
13 elected at-large or from wards or districts.

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

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

21 If the majority of the votes cast at a special election for  
22 organization on the council-manager plan favor the plan, the city or  
23 town ~~((at its next regular election))~~ shall elect the council required  
24 under the council-manager plan in number according to ~~((the))~~ its  
25 population ~~((of the municipality: PROVIDED, That if the date of the~~  
26 ~~next municipal general election is more than one year from the date of~~  
27 ~~the election approving the council-manager plan, a special election~~  
28 ~~shall be held to elect the councilmen; the newly elected councilmen~~  
29 ~~shall assume office immediately when they are qualified in accordance~~

1 with RCW 29.01.135 following the canvass of votes as certified and  
2 shall remain in office until their successors are elected at the next  
3 general municipal election: PROVIDED, That such successor shall hold  
4 office for staggered terms as provided in RCW 35.18.020 as now or  
5 hereafter amended. Councilmen shall take office at the time provided  
6 by general law. Declarations of candidacy for city or town elective  
7 positions under the council manager plan for cities and towns shall be  
8 filed with the county auditor as the case may be not more than forty-  
9 five nor less than thirty days prior to said special election to elect  
10 the members of the city council. Any candidate may file a written  
11 declaration of withdrawal at any time within five days after the last  
12 day for filing a declaration of candidacy. All names of candidates to  
13 be voted upon shall be printed upon the ballot alphabetically in group  
14 under the designation of the title of the offices for which they are  
15 candidates. There shall be no rotation of names)) at the next  
16 municipal general election. However, special elections shall be held  
17 to nominate and elect the new city councilmembers at the next primary  
18 and general election held in an even-numbered year if the next  
19 municipal general election is more than one year after the date of the  
20 election at which the voters approved the council-manager plan. The  
21 staggering of terms of office shall occur at the election when the new  
22 councilmembers are elected, where the simple majority of the persons  
23 elected as councilmembers receiving the greatest numbers of votes shall  
24 be elected to four-year terms of office if the election is held in an  
25 odd-numbered year, or three-year terms of office if the election is  
26 held in an even-numbered year, and the remainder of the persons elected  
27 as councilmembers shall be elected to two-year terms of office if the  
28 election is held in an odd-numbered year, or one-year terms of office  
29 if the election is held in an even-numbered year.

1       **Sec. 16.** RCW 35.23.050 and 1965 c 7 s 35.23.050 are each amended  
2 to read as follows:

3       All municipal elections held under the provisions of this chapter  
4 shall be conducted according to the general election laws of this  
5 state(~~(, as far as practicable: PROVIDED, That any qualified voter of~~  
6 ~~such city, duly registered for the general county or state election~~  
7 ~~next preceding any municipal election, general or special, shall be~~  
8 ~~qualified to vote at such municipal election. No person shall be~~  
9 ~~qualified to vote at such election unless he is a qualified elector of~~  
10 ~~the county and has resided in such city for at least thirty days next~~  
11 ~~preceding such election))~~).

12       **Sec. 17.** RCW 35.23.240 and 1965 c 7 s 35.23.240 are each amended  
13 to read as follows:

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

1 provided in chapter 42.12 RCW, except that the authority of the council  
2 to fill the vacancy on the council shall cease if it fails to fill the  
3 vacancy within thirty days after the occurrence of the vacancy, at  
4 which time the authority to fill the vacancy shall revert to the mayor  
5 who may make the appointment from among the persons nominated by  
6 members of the council for the next sixty days.

7 If a vacancy occurs ~~((by reason of death, resignation, or~~  
8 ~~otherwise))~~ in any other office it shall be filled by appointment of  
9 the mayor and confirmed by the council in the same manner as other  
10 appointments are made.

11 **Sec. 18.** ~~RCW 35.23.530 and 1965 c 7 s 35.23.530 are each amended~~  
12 ~~to read as follows:~~

13 At any time not within three months previous to an annual election  
14 the city council of a second class city may divide the city into wards,  
15 not exceeding six in all, or change the boundaries of existing wards.  
16 No change in the boundaries of wards shall affect the term of any  
17 ~~((councilman, but he))~~ councilmember, and councilmembers shall serve  
18 out ~~((his))~~ their terms in the wards of ~~((his))~~ their residences at the  
19 time of ~~((his election:— PROVIDED, That if this results))~~ their  
20 elections. However, if these boundary changes result in one ward being  
21 represented by more ~~((councilmen))~~ councilmembers than the number to  
22 which it is entitled, those having the shortest unexpired terms shall  
23 be assigned by the council to wards where there is a vacancy, and the  
24 councilmembers so assigned shall be deemed to be residents of the wards  
25 to which they are assigned for purposes of determining whether those  
26 positions are vacant.

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

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

5       Wards shall be redrawn as provided in chapter 29.70 RCW. Wards  
6 shall be used as follows: (1) Only a resident of the ward may be a  
7 candidate for, or hold office as, a councilmember of the ward; and (2)  
8 only voters of the ward may vote at a primary to nominate candidates  
9 for a councilmember of the ward. Voters of the entire city may vote at  
10 the general election to elect a councilmember of a ward. The elections  
11 for the remaining council position or council positions that are not  
12 associated with a ward shall be conducted as if the wards did not  
13 exist.

14       **Sec. 19.** RCW 35.24.060 and 1965 c 7 s 35.24.060 are each amended  
15 to read as follows:

16       All elections shall be held in accordance with the general election  
17 laws of the state (~~insofar as the same are applicable and no person~~  
18 ~~shall be entitled to vote at any election unless he shall be a~~  
19 ~~qualified elector of the county and shall have resided in such city for~~  
20 ~~at least thirty days next preceding such election)).~~

21       **Sec. 20.** RCW 35.24.100 and 1965 c 7 s 35.24.100 are each amended  
22 to read as follows:

23       (~~In cities of~~) The council of a third class city may declare a  
24 council position vacant if ((a member of the city council absents  
25 himself)) that councilmember is absent for three consecutive regular  
26 meetings ((thereof, unless by)) without the permission of the  
27 council((, his office may be declared vacant by the council.

1       ~~Vacancies in the city council or in the office of mayor shall be~~  
2 ~~filled by majority vote of the council~~). In addition, a vacancy in an  
3 elective office shall occur as provided in chapter 42.12 RCW. A  
4 vacancy on the council shall be filled as provided in chapter 42.12  
5 RCW, except that the authority of the council to fill the vacancy on  
6 the council shall cease if it has failed to fill the vacancy within  
7 thirty days after the occurrence of the vacancy, at which time the  
8 authority to fill the vacancy shall revert to the mayor who may make  
9 the appointment from among the persons nominated by members of the  
10 council for the next sixty days. Vacancies in offices other than that  
11 of mayor or city ((councilman)) councilmember shall be filled by  
12 appointment of the mayor.

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

16       If there is a temporary vacancy in an appointive office due to  
17 illness, absence from the city or other temporary inability to act, the  
18 mayor may appoint a temporary appointee to exercise the duties of the  
19 office until the temporary disability of the incumbent is removed.

20       **Sec. 21.** RCW 35.24.290 and 1986 c 278 s 5 are each amended to read  
21 as follows:

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

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

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

28       (3) To establish, build and repair bridges, to establish, lay out,  
29 alter, keep open, open, widen, vacate, improve and repair streets,

1 sidewalks, alleys, squares and other public highways and places within  
2 the city, and to drain, sprinkle and light the same; to remove all  
3 obstructions therefrom; to establish and reestablish the grades  
4 thereof; to grade, plank, pave, macadamize, gravel and curb the same,  
5 in whole or in part; to construct gutters, culverts, sidewalks and  
6 crosswalks therein or upon any part thereof; to cultivate and maintain  
7 parking strips therein, and generally to manage and control all such  
8 highways and places; to provide by local assessment for the leveling up  
9 and surfacing and oiling or otherwise treating for the laying of dust,  
10 all streets within the city limits;

11 (4) To establish, construct and maintain drains and sewers, and  
12 shall have power to compel all property owners on streets and alleys or  
13 within two hundred feet thereof along which sewers shall have been  
14 constructed to make proper connections therewith and to use the same  
15 for proper purposes, and in case the owners of the property on such  
16 streets and alleys or within two hundred feet thereof fail to make such  
17 connections within the time fixed by such council, it may cause such  
18 connections to be made and assess against the property served thereby  
19 the costs and expenses thereof;

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

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

25 (7) To license, for the purposes of regulation and revenue, all and  
26 every kind of business authorized by law, and transacted and carried on  
27 in such city, and all shows, exhibitions and lawful games carried on  
28 therein and within one mile of the corporate limits thereof, to fix the  
29 rate of license tax upon the same, and to provide for the collection of  
30 the same by suit or otherwise;

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

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

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

24           (11) In its discretion to divide the city by ordinance, into a  
25 convenient number of wards, not exceeding six, to fix the boundaries  
26 thereof, and to change the same from time to time: PROVIDED, That no  
27 change in the boundaries of any ward shall be made within (~~sixty~~) one  
28 hundred twenty days next before the date of a general municipal  
29 election, nor within twenty months after the wards have been  
30 established or altered. However, if a boundary change results in one

1 ward being represented by more councilmembers than the number to which  
2 it is entitled, those having the shortest unexpired terms shall be  
3 assigned by the council to wards where there is a vacancy, and the  
4 councilmembers so assigned shall be deemed to be residents of the wards  
5 to which they are assigned for purposes of determining whether those  
6 positions are vacant. Whenever such city is so divided into wards, the  
7 city council shall designate by ordinance the number of (~~councilmen~~)  
8 councilmembers to be elected from each ward, apportioning the same in  
9 proportion to the population of the wards. (~~Thereafter the councilmen~~  
10 ~~so designated shall be elected by the qualified electors resident in~~  
11 ~~such ward, or by general vote of the whole city as may be designated in~~  
12 ~~such ordinance.~~) When additional territory is added to the city it  
13 may by act of the council, be annexed to contiguous wards without  
14 affecting the right to redistrict at the expiration of twenty months  
15 after last previous division. (~~The removal of a councilman from the~~  
16 ~~ward for which he was elected shall create a vacancy in such office~~)  
17 Wards shall be redrawn as provided in chapter 29.70 RCW. Wards shall  
18 be used as follows: (a) Only a resident of the ward may be a candidate  
19 for, or hold office as, a councilmember of the ward; and (b) only  
20 voters of the ward may vote at a primary to nominate candidates for a  
21 councilmember of the ward. Voters of the entire city may vote at the  
22 general election to elect a councilmember of a ward. The elections for  
23 the remaining council position or council positions that are not  
24 associated with a ward shall be conducted as if the wards did not  
25 exist;

26 (12) To impose fines, penalties and forfeitures for any and all  
27 violations of ordinances, and for any breach or violation of any  
28 ordinance to fix the penalty by fine or imprisonment, or both, but no  
29 such fine shall exceed five thousand dollars nor the term of such

1 imprisonment exceed the term of one year; or to provide that violations  
2 of ordinances constitute a civil violation subject to monetary penalty;

3 (13) To establish fire limits, with proper regulations;

4 (14) To establish and maintain a free public library;

5 (15) To establish and regulate public markets and market places;

6 (16) To punish the keepers and inmates and lessors of houses of ill  
7 fame, gamblers and keepers of gambling tables, patrons thereof or those  
8 found loitering about such houses and places;

9 (17) To make all such ordinances, bylaws, rules, regulations and  
10 resolutions, not inconsistent with the Constitution and laws of the  
11 state of Washington, as may be deemed expedient to maintain the peace,  
12 good government and welfare of the corporation and its trade, commerce  
13 and manufactures, and to do and perform any and all other acts and  
14 things necessary or proper to carry out the provisions of this chapter,  
15 and to enact and enforce within the limits of such city all other  
16 local, police, sanitary and other regulations as do not conflict with  
17 general laws;

18 (18) To license steamers, boats and vessels used in any bay or  
19 other watercourse in the city and to fix and collect such license; to  
20 provide for the regulation of berths, landings, and stations, and for  
21 the removing of steamboats, sail boats, sail vessels, rafts, barges and  
22 other watercraft; to provide for the removal of obstructions to  
23 navigation and of structures dangerous to navigation or to other  
24 property, in or adjoining the waterfront, except in municipalities in  
25 counties in which there is a city of the first class.

26 **Sec. 22.** RCW 35.27.100 and 1965 c 7 s 35.27.100 are each amended  
27 to read as follows:

28 All elections in towns shall be held in accordance with the general  
29 election laws of the state(~~(, so far as the same may be applicable; and~~

1 ~~no person shall be entitled to vote at such election, unless he is a~~  
2 ~~qualified elector of the county, and has resided in the town for at~~  
3 ~~least thirty days next preceding the election)).~~

4 **Sec. 23.** RCW 35.27.140 and 1965 c 7 s 35.27.140 are each amended  
5 to read as follows:

6 ~~((If a member of))~~ The council of a town may declare a council  
7 position vacant if that councilmember is absent from the town for three  
8 consecutive council meetings ~~((unless by))~~ without the permission of  
9 the council ~~((his office shall be declared vacant by the council. A~~  
10 ~~vacancy in the office of mayor and vacancies in the council shall be~~  
11 ~~filled by a majority vote of the council))~~. In addition, a vacancy in  
12 an elective office shall occur as provided in chapter 42.12 RCW. A  
13 vacancy on the council shall be filled as provided in chapter 42.12  
14 RCW, except that the authority of the council to fill the vacancy on  
15 the council shall cease if it has failed to fill the vacancy within  
16 thirty days after the occurrence of the vacancy, at which time the  
17 authority to fill the vacancy shall revert to the mayor who may make  
18 the appointment from among the persons nominated by members of the  
19 council for the next sixty days.

20 A vacancy in any other office shall be filled by appointment by the  
21 mayor. ~~((An appointee filling the vacancy in an elective office shall~~  
22 ~~hold office only until the next general election at which time a person~~  
23 ~~shall be elected to serve for the remainder of the unexpired term~~  
24 ~~except that the person appointed to fill a vacancy in the office of~~  
25 ~~mayor shall serve for the unexpired term.))~~

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

1 At the same election at which the proposition is submitted to the  
2 voters as to whether a metropolitan park district is to be formed, five  
3 park commissioners shall be elected (~~to hold office respectively for~~  
4 ~~the following terms: Where the election is held in an odd-numbered~~  
5 ~~year, one commissioner shall be elected to hold office for two years,~~  
6 ~~two shall be elected to hold office for four years, and two shall be~~  
7 ~~elected to hold office for six years. Where the election is held in an~~  
8 ~~even-numbered year, one commissioner shall hold office for three years,~~  
9 ~~two shall hold office for five years, and two shall hold office for~~  
10 ~~seven years)). The election of park commissioners shall be null and  
11 void if the metropolitan park district is not created. Candidates  
12 shall run for specific commission positions. No primary shall be held  
13 to nominate candidates. The person receiving the greatest number of  
14 votes for each position shall be elected as a commissioner. The  
15 staggering of the terms of office shall occur as follows: (1) The  
16 three persons who are elected as commissioners receiving the three  
17 greatest numbers of votes shall be elected to four-year terms of office  
18 if the election is held in an odd-numbered year or three-year terms of  
19 office if the election is held in an even-numbered year; and (2) the  
20 other two persons who are elected as commissioners shall be elected to  
21 two-year terms of office if the election is held in an odd-numbered  
22 year or one-year terms of office if the election is held in an even-  
23 numbered year. The initial commissioners shall take office immediately  
24 when they are elected and qualified, and for purposes of computing  
25 their terms of office the terms shall be assumed to commence on the  
26 first day of January of the year they are elected. ((The term of each  
27 nominee for park commissioner shall be expressed on the ballot.))  
28 Thereafter, all commissioners shall ((serve six-year)) be elected to  
29 four-year terms of office ((and)). All commissioners shall serve until  
30 their respective successors are elected and qualified and assume office~~

1 in accordance with RCW 29.04.170. Vacancies shall occur and shall be  
2 filled (~~((by majority action of the remaining commissioners appointing~~  
3 ~~a voter to fill the remainder of the term of the vacant commissioner~~  
4 ~~position))~~ as provided in chapter 42.12 RCW.

5 NEW SECTION. Sec. 25. A new section is added to chapter 35.61 RCW  
6 to read as follows:

7 The terms of office of each metropolitan park district commissioner  
8 who is in office as of the effective date of this section shall remain  
9 the same as if chapter ..., Laws of 1992 (this act) had not been  
10 enacted, but the term of office for each of their successors shall be  
11 four years. Any person elected to fill the remainder of a vacant term  
12 of office shall fill the remainder of the full term of office of the  
13 commissioner whose position was filled.

14 **Sec. 26.** RCW 35A.12.040 and 1979 ex.s. c 18 s 21 are each amended  
15 to read as follows:

16 Officers shall be elected at biennial municipal elections to be  
17 conducted as provided in chapter 35A.29 RCW. The mayor and the  
18 (~~(councilmen))~~ councilmembers shall be elected for four-year terms and  
19 until their successors are elected and qualified(~~((; except that at any~~  
20 ~~first election three councilmen in cities having seven councilmen, and~~  
21 ~~two councilmen in cities having five councilmen, shall be elected for~~  
22 ~~two year terms and the remaining councilmen shall be elected for four~~  
23 ~~year terms))~~ and assume office in accordance with RCW 29.04.170. At  
24 any first election upon reorganization, councilmembers shall be elected  
25 as provided in RCW 35A.02.050. Thereafter the requisite number of  
26 (~~(councilmen))~~ councilmembers shall be elected biennially as the terms  
27 of their predecessors expire and shall serve for terms of four years.  
28 The positions to be filled on the city council shall be designated by

1 consecutive numbers and shall be dealt with as separate offices for all  
2 election purposes, as provided in RCW 35A.29.105. (~~In any city which~~  
3 ~~holds its first election under this title in the calendar year 1970,~~  
4 ~~candidates elected for two year terms shall hold office until their~~  
5 ~~successors are elected and qualified at the general municipal election~~  
6 ~~to be held in November, 1973 and candidates elected for four year terms~~  
7 ~~shall hold office until their successors are elected and qualified at~~  
8 ~~the general municipal election to be held in November, 1975.))~~  
9 Election to positions on the council shall be by majority vote from the  
10 city at large, unless provision is made by charter or ordinance for  
11 election by wards. (~~The city council shall be the judge of the~~  
12 ~~qualifications of its members and determine contested elections of city~~  
13 ~~officers, subject to review by certiorari as provided by law.)) The  
14 mayor and (~~councilmen~~) councilmembers shall qualify by taking an oath  
15 or affirmation of office and as may be provided by law, charter, or  
16 ordinance.~~

17 **Sec. 27.** RCW 35A.12.050 and 1967 ex.s. c 119 s 35A.12.050 are each  
18 amended to read as follows:

19 The office of a mayor or (~~councilman~~) councilmember shall become  
20 vacant if ((he)) the person who is elected or appointed to that  
21 position fails to qualify as provided by law ((or)), fails to enter  
22 upon ((his)) the duties of that office at the time fixed by law without  
23 a justifiable reason, (~~upon his death, resignation, removal from~~  
24 ~~office by recall as provided by law, or when his office is forfeited~~)  
25 or as provided in RCW 35A.12.060 or 42.12.010. A vacancy in the office  
26 of mayor or in the council shall be filled ((for the remainder of the  
27 unexpired term, if any, at the next regular municipal election but the  
28 council, or the remaining members thereof, by majority vote shall  
29 appoint a qualified person to fill the vacancy until the person elected

1 to serve the remainder of the unexpired term takes office. If at any  
2 time the membership of the council is reduced below the number required  
3 for a quorum, the remaining members, nevertheless, by majority action  
4 may appoint additional members to fill the vacancies until persons are  
5 elected to serve the remainder of the unexpired terms. If, after  
6 thirty days have passed since the occurrence of a vacancy, the council  
7 are unable to agree upon a person to be appointed to fill a vacancy in  
8 the council,)) as provided in chapter 42.12 RCW, except that the  
9 authority of the council to fill the vacancy on the council shall cease  
10 if it has failed to fill the vacancy within thirty days after the  
11 occurrence of the vacancy, at which time the authority to fill the  
12 vacancy for the next sixty days shall revert to the mayor who may make  
13 the appointment from among the persons nominated by members of the  
14 council.

15 **Sec. 28.** RCW 35A.12.060 and 1967 ex.s. c 119 s 35A.12.060 are each  
16 amended to read as follows:

17 ((A mayor or councilman shall forfeit his office, creating a  
18 vacancy, if he ceases to have the qualifications prescribed for such  
19 office by law, charter, or ordinance, or if he is convicted of a crime  
20 involving moral turpitude or an offense involving a violation of his  
21 oath of office. A councilman also shall forfeit his office if he)) In  
22 addition a council position shall become vacant if the councilmember  
23 fails to attend three consecutive regular meetings of the council  
24 without being excused by the council.

25 **Sec. 29.** RCW 35A.12.180 and 1967 ex.s. c 119 s 35A.12.180 are each  
26 amended to read as follows:

27 At any time not within three months previous to a municipal general  
28 election the council of a noncharter code city organized under this

1 chapter may divide the city into wards or change the boundaries of  
2 existing wards. No change in the boundaries of wards shall affect the  
3 term of any ~~((councilman, but he))~~ councilmember, and councilmembers  
4 shall serve out ~~((his))~~ their terms in the wards of ~~((his))~~ their  
5 residences at the time of ~~((his))~~ their elections: PROVIDED, That if  
6 this results in one ward being represented by more ~~((councilmen))~~  
7 councilmembers than the number to which it is entitled those having the  
8 shortest unexpired terms shall be assigned by the council to wards  
9 where there is a vacancy, and the councilmembers so assigned shall be  
10 deemed to be residents of the wards to which they are assigned for  
11 purposes of those positions being vacant. The representation of each  
12 ward in the city council shall be in proportion to the population as  
13 nearly as is practicable. ~~((When the city has been divided into wards~~  
14 ~~no person shall be eligible to the office of councilman unless he~~  
15 ~~resides in the ward for which he is elected on the date of his~~  
16 ~~election, and removal of his residence from the ward for which he was~~  
17 ~~elected renders his office vacant.))~~

18 Wards shall be redrawn as provided in chapter 29.70 RCW. Wards  
19 shall be used as follows: (1) Only a resident of the ward may be a  
20 candidate for, or hold office as, a councilmember of the ward; and (2)  
21 only voters of the ward may vote at a primary to nominate candidates  
22 for a councilmember of the ward. Voters of the entire city may vote at  
23 the general election to elect a councilmember of a ward.

24 **Sec. 30.** RCW 35A.13.020 and 1975 1st ex.s. c 155 s 1 are each  
25 amended to read as follows:

26 In council-manager code cities, eligibility for election to the  
27 council, the manner of electing councilmen, the numbering of council  
28 positions, the terms of councilmen, the occurrence and the filling of  
29 vacancies, the grounds for forfeiture of office, and appointment of a

1 mayor pro tempore or deputy mayor or councilman pro tempore shall be  
2 governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040,  
3 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a  
4 code city organized under the mayor-council plan(~~(:—PROVIDED, That))~~),  
5 except that: (1) The authority to fill a vacancy shall not revert to  
6 the mayor; and (2) in council-manager cities where all council  
7 positions are at-large positions, the city council may, pursuant to RCW  
8 35A.13.033, provide that the person elected to council position one  
9 ((on or after September 8, 1975,)) shall be the council chairman and  
10 shall carry out the duties prescribed by RCW 35A.13.030((, as now or  
11 hereafter amended)).

12 **Sec. 31.** RCW 36.69.020 and 1969 c 26 s 2 are each amended to read  
13 as follows:

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

25 The petition shall be filed with the auditor of the county within  
26 which the proposed district is located, accompanied by an obligation  
27 signed by two or more petitioners, agreeing to pay the cost of the  
28 publication of the notice provided for in RCW 36.69.040. The county  
29 auditor shall, within thirty days from the date of filing the petition,

1 examine the signatures and certify to the sufficiency or insufficiency  
2 thereof(~~(; and for that purpose shall have access to all registration~~  
3 ~~books or records in the possession of the registration officers of the~~  
4 ~~election precincts included, in whole or in part, within the proposed~~  
5 ~~district. Such books and records shall be prima facie evidence of the~~  
6 ~~truth of the certificate))~~).

7 If the petition is found to contain a sufficient number of  
8 signatures of qualified persons, the auditor shall transmit it,  
9 together with ~~((his))~~ a certificate of sufficiency attached thereto, to  
10 the county ~~((commissioners who))~~ legislative authority, which shall by  
11 resolution entered upon ~~((their))~~ its minutes~~((,))~~ receive it and fix  
12 a day and hour when ~~((they))~~ the legislative authority will publicly  
13 hear the petition, as provided in RCW 36.69.040.

14 **Sec. 32.** RCW 36.69.070 and 1979 ex.s. c 126 s 28 are each amended  
15 to read as follows:

16 ~~((All elections pursuant to this chapter shall be conducted in~~  
17 ~~accordance with the provisions of chapter 29.13 RCW for district~~  
18 ~~elections.))~~ The ballot proposition authorizing the formation of the  
19 proposed park and recreation district shall be submitted to the voters  
20 of the proposed district for their approval or rejection at the next  
21 general state election occurring sixty or more days after the county  
22 legislative authority fixes the boundaries of the proposed district.  
23 Notices of the election for the formation of the park and recreation  
24 district shall state generally and briefly the purpose thereof and  
25 shall give the boundaries of the proposed district~~((, define the~~  
26 ~~election precincts, designate the polling place of each, give the names~~  
27 ~~of the five nominated park and recreation commissioner candidates of~~  
28 ~~the proposed district,))~~ and name the day of the election and the hours  
29 during which the polls will be open. The proposition to be submitted

1 to the voters shall be stated in such manner that the voters may  
2 indicate yes or no upon the proposition of forming the proposed park  
3 and recreation district. (~~The ballot shall be so arranged that voters  
4 may vote for the five nominated candidates or may write in the names of  
5 other candidates.~~)

6 The initial park and recreation commissioners shall be elected at  
7 the same election, but this election shall be null and void if the  
8 district is not authorized to be formed. No primary shall be held to  
9 nominate candidates for the initial commissioner positions. Candidates  
10 shall run for specific commission positions. A special filing period  
11 shall be opened as provided in RCW 29.21.360 and 29.21.370. The person  
12 who receives the greatest number of votes for each commission position  
13 shall be elected to that position. The three persons who were elected  
14 receiving the greatest number of votes shall be elected to four-year  
15 terms of office if the election is held in an odd-numbered year or  
16 three-year terms of office if the election is held in an even-numbered  
17 year. The other two persons who were elected shall be elected to two-  
18 year terms of office if the election is held in an odd-numbered year or  
19 one-year terms of office if the election is held in an even-numbered  
20 year. The initial commissioners shall take office immediately upon  
21 being elected and qualified, but the length of such terms shall be  
22 computed from the first day of January in the year following this  
23 election.

24 **Sec. 33.** RCW 36.69.080 and 1979 ex.s. c 126 s 29 are each amended  
25 to read as follows:

26 If a majority of all votes cast upon the proposition favors the  
27 formation of the district, (~~{the}~~) the county legislative authority  
28 shall(~~{,}~~), by resolution, declare the territory organized as a park  
29 and recreation district under the designated name (~~theretofore~~

1 ~~designated, and shall declare the candidate from each subdivision~~  
2 ~~receiving the highest number of votes for park and recreation~~  
3 ~~commissioner the duly elected first park and recreation commissioner of~~  
4 ~~the subdivision of the district. These initial park and recreation~~  
5 ~~commissioners shall take office immediately upon their election and~~  
6 ~~qualification and hold office until their successors are elected and~~  
7 ~~qualified and assume office as provided in RCW 36.69.090 as now or~~  
8 ~~hereafter amended)).~~

9       **Sec. 34.** RCW 36.69.090 and 1987 c 53 s 1 are each amended to read  
10 as follows:

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

17       Elections for park and recreation district commissioners shall be  
18 held biennially in conjunction with the general election in each odd-  
19 numbered year. ~~((Residence anywhere within the district shall qualify~~  
20 ~~an elector for any position on the commission after the initial~~  
21 ~~election.))~~ Elections shall be held in accordance with the provisions  
22 of Title 29 RCW dealing with general elections. All commissioners  
23 shall serve until their successors are elected and qualified and assume  
24 office in accordance with RCW 29.04.170. ~~((At the first election~~  
25 ~~following the formation of the district, the two candidates receiving~~  
26 ~~the highest number of votes shall serve for terms of four years, and~~  
27 ~~the three candidates receiving the next highest number of votes shall~~  
28 ~~serve for two years. Thereafter all commissioners shall be elected for~~  
29 ~~four year terms: PROVIDED, That if there would otherwise be two~~

1 ~~commissioners elected at the November 1987 general election, the~~  
2 ~~candidate receiving the highest number of votes shall serve a four year~~  
3 ~~term, and the commissioner receiving the second highest number of votes~~  
4 ~~shall serve a two year term.))~~

5       **Sec. 35.** RCW 36.69.100 and 1963 c 4 s 36.69.100 are each amended  
6 to read as follows:

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

10       **Sec. 36.** RCW 36.69.440 and 1979 ex.s. c 11 s 3 are each amended to  
11 read as follows:

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

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

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

27       (4) ~~((If the proposed district encompasses portions of two~~  
28 ~~counties, the county containing the portion of the district having the~~

1 larger population shall divide the territory into three subdivisions  
2 and shall name three resident electors as prescribed by RCW 36.69.060.  
3 The county containing the territory having the smaller population shall  
4 divide that territory into two subdivisions and name two resident  
5 electors.

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

9 The number of subdivisions and resident electors to be established  
10 by each county shall reflect the proportion of population within each  
11 county portion of the proposed district in relation to the total  
12 population of the proposed district, provided that each county shall  
13 designate one subdivision and one resident elector.

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

18 **Sec. 37.** RCW 44.70.010 and 1987 c 298 s 7 are each amended to read  
19 as follows:

20 (1) The legislative budget committee in cooperation with the  
21 committee on governmental operations in the senate and the committee on  
22 local government in the house of representatives shall review the  
23 authority to establish the special purpose districts under subsection  
24 (2) of this section and make recommendations for the continuation,  
25 termination, or modification of the special purpose districts. In  
26 conducting the review, the following factors shall be considered:

27 (a) The extent to which the special purpose districts have complied  
28 with legislative intent;

1 (b) The extent to which the special purpose districts are operating  
2 in an efficient and economical manner which results in optimum  
3 performance;

4 (c) The extent to which the special purpose districts are operating  
5 in the public interest by effectively providing a needed service that  
6 should be continued rather than modified, consolidated, or eliminated;

7 (d) The extent to which the special purpose districts duplicate the  
8 activities of other special purpose districts or of the private sector,  
9 where appropriate; and

10 (e) The extent to which the termination or modification of the  
11 special purpose districts would adversely affect the public health,  
12 safety, or welfare.

13 (2) By January 1, 1988, a schedule shall be established to review  
14 the following districts with the review completed by January 15, 1993:  
15 Aquifer protection areas under chapter 36.36 RCW; airport districts  
16 under RCW 14.08.290 through 14.08.330; cemetery districts under chapter  
17 ~~((68.16))~~ 68.52 RCW; conservation districts under chapter 89.08 RCW;  
18 county rail districts under chapter 36.60 RCW; cultural arts, stadium,  
19 and convention districts under chapter 67.38 RCW; diking districts  
20 under chapter 85.05 RCW; diking and drainage improvement districts  
21 under chapter 85.15 RCW; diking, drainage, drainage improvement  
22 districts, and sewerage improvement districts under chapter 85.15 RCW;  
23 diking, drainage, and irrigation improvement districts under RCW  
24 85.22.010; diking improvement districts under chapter 85.15 RCW;  
25 drainage districts under chapter 85.06 RCW; emergency medical services  
26 districts under RCW 36.32.480; ~~((ferry districts under RCW 36.54.080  
27 through 36.54.100;))~~ fire protection districts under Title 52 RCW;  
28 flood control districts under chapter 86.09 RCW; flood control zone  
29 districts under chapter 86.15 RCW; health districts under chapter 70.46  
30 RCW; housing authorities under chapter 35.82 RCW; intercounty diking

1 and drainage districts under chapter 85.24 RCW; irrigation districts  
2 under Title 87 RCW; irrigation and rehabilitation districts under  
3 chapter 87.84 RCW; legal authorities under RCW 87.03.825 through  
4 87.03.840; library districts under chapter 27.12 RCW; metropolitan  
5 municipal corporations districts under chapter 35.58 RCW; mosquito  
6 control districts under chapter 17.28 RCW; operating agencies under  
7 chapter 43.52 RCW; county park and recreation service areas under RCW  
8 36.68.400; metropolitan park districts under chapter 35.61 RCW; park  
9 and recreation districts under chapter 36.69 RCW; pest districts under  
10 chapter 17.12 RCW; port districts under Title 53 RCW; public hospital  
11 districts under chapter 70.44 RCW; public utility districts under Title  
12 54 RCW; public waterway districts under chapter 91.08 RCW; reclamation  
13 districts under chapter 89.30 RCW; river and harbor improvement  
14 districts under chapter 88.32 RCW; road districts under RCW 36.75.060;  
15 service districts under chapter 36.83 RCW; sewer districts under Title  
16 56 RCW; sewerage improvement districts under chapter 85.15 RCW; solid  
17 waste collection districts under chapter 36.58A RCW; transit districts  
18 under chapters 36.57 and 36.57A RCW; television reception improvement  
19 districts under chapter 36.95 RCW; water districts under Title 57 RCW;  
20 regular weed districts under chapter 17.04 RCW; and intercounty weed  
21 districts under chapter 17.06 RCW.

22 (3) The recommendations shall be reported to the legislature, the  
23 special purpose districts concerned, and the state library.

24 **Sec. 38.** RCW 52.06.085 and 1985 c 7 s 118 are each amended to read  
25 as follows:

26 (1) Whenever two or more fire protection districts merge, the board  
27 of fire commissioners of the merged fire protection district shall  
28 consist of all of the original fire commissioners. ~~((At the next three  
29 elections for fire commissioners))~~

1       (2) For mergers that are approved prior to the 1993 district  
2 general election, the number of fire commissioners for the merged  
3 district shall be reduced to the number of fire commissioners in the  
4 merger fire protection district at the time of the merger, or five fire  
5 commissioners if the number of commissioners in the merged fire  
6 protection district is expanded pursuant to RCW 52.14.020, as follows,  
7 notwithstanding the number of fire commissioners whose terms expire:

8       (a) In the first election after the merger, only one position shall  
9 be filled, whether the new fire protection district be a three member  
10 district or a five member district pursuant to RCW 52.14.020((-)); and

11       (b) In each of the two subsequent elections, one position shall be  
12 filled if the new fire protection district is a three member district  
13 and two positions shall be filled if the new fire protection district  
14 is a five member district pursuant to RCW 52.14.020.

15       (3) For mergers that are approved on or after the 1993 district  
16 general election, the number of fire commissioners for the merged  
17 district shall be reduced at the next two district general elections as  
18 follows, notwithstanding the number of fire commissioners whose terms  
19 expire:

20       In the first district general election after the merger, only one  
21 position shall be filled if the fire protection district is to be a  
22 three-member district or two positions shall be filled if the fire  
23 protection district is to be a five-member district.

24       In the second district general election after the merger, two  
25 positions shall be filled if the fire protection district is to be a  
26 three-member district or three positions shall be filled if the fire  
27 protection district is to be a five-commissioner district.

28       (4) Thereafter, the fire commissioners shall be elected in the same  
29 manner as prescribed for such fire protection districts of the state.

1       **Sec. 39.** RCW 52.14.010 and 1985 c 330 s 2 are each amended to read  
2 as follows:

3       The affairs of the district shall be managed by a board of fire  
4 commissioners composed of three (~~resident electors of~~) registered  
5 voters residing in the district except as provided in RCW 52.14.015 and  
6 52.14.020. Each member shall each receive fifty dollars per day or  
7 portion thereof, not to exceed four thousand eight hundred dollars per  
8 year, for attendance at board meetings and for performance of other  
9 services in behalf of the district.

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

16       Any commissioner may waive all or any portion of his or her  
17 compensation payable under this section as to any month or months  
18 during his or her term of office, by a written waiver filed with the  
19 secretary as provided in this section. The waiver, to be effective,  
20 must be filed any time after the commissioner's election and prior to  
21 the date on which (~~said~~) the compensation would otherwise be paid.  
22 The waiver shall specify the month or period of months for which it is  
23 made.

24       The board shall fix the compensation to be paid the secretary and  
25 all other agents and employees of the district. The board may, by  
26 resolution adopted by unanimous vote, authorize any of its members to  
27 serve as volunteer (~~firemen~~) fire fighters without compensation. A  
28 commissioner actually serving as a volunteer (~~fireman~~) fire fighter  
29 may enjoy the rights and benefits of a volunteer (~~fireman~~) fire  
30 fighter. (~~The first commissioners shall take office immediately when~~



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

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

7 **Sec. 41.** RCW 52.14.020 and 1984 c 230 s 29 are each amended to  
8 read as follows:

9 In a fire protection district maintaining a fire department  
10 consisting wholly of personnel employed on a full-time, fully-paid  
11 basis, there shall be five fire commissioners. The two positions  
12 created on boards of fire commissioners by this section shall be filled  
13 initially as for a vacancy, except that the appointees shall draw lots,  
14 one appointee to serve until the next general fire district election  
15 after the appointment, at which two commissioners shall be elected for  
16 ~~((six-year))~~ four-year terms, and the other appointee to serve until  
17 the second general fire district election after the appointment, at  
18 which two commissioners shall be elected for ~~((six-year))~~ four-year  
19 terms.

20 ~~**Sec. 42.** RCW 52.14.030 and 1984 c 230 s 31 are each amended to~~  
21 ~~read as follows:~~

22 ~~((The polling places for district elections shall be those of the~~  
23 ~~county voting precincts which include any of the territory within the~~  
24 ~~fire protection districts. District elections))~~ The polling places for  
25 a fire protection district election may be located inside or outside  
26 the boundaries of the district ((and)), as determined by the auditor of  
27 the county in which the fire protection district is located, and the

1 elections of the fire protection district shall not be held to be  
2 irregular or void on that account.

3 **Sec. 43.** RCW 52.14.050 and 1989 c 63 s 21 are each amended to read  
4 as follows:

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

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

23 Vacancies on a board of fire commissioners shall occur as provided  
24 in chapter 42.12 RCW. In addition, if a fire commissioner is absent  
25 from the district for three consecutive regularly scheduled meetings  
26 unless by permission of the board, the office shall be declared vacant  
27 by the board of commissioners ~~((and the vacancy shall be filled as  
28 provided for in this section))~~. However, such an action shall not be  
29 taken unless the commissioner is notified by mail after two consecutive

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

5 **Sec. 44.** RCW 52.14.060 and 1989 c 63 s 22 are each amended to read  
6 as follows:

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

1 ~~for a term of one year.))~~ two persons who are elected receiving the two  
2 greatest numbers of votes shall be elected to four-year terms of office  
3 and the other person who is elected shall be elected to a two-year term  
4 of office. If the election is held in an even-numbered year, the two  
5 persons who are elected receiving the two greatest numbers of votes  
6 shall be elected to three-year terms of office and the other person who  
7 is elected shall be elected to a one-year term of office. The initial  
8 commissioners shall take office immediately when elected and qualified  
9 and their terms of office ((of the initially elected fire  
10 commissioners)) shall be calculated from the first day of January in  
11 the year following their election.

12 The term of office of each subsequent commissioner shall be four  
13 years. Each commissioner shall serve until a successor is elected and  
14 qualified and assumes office in accordance with RCW 29.04.170.

15 NEW SECTION. Sec. 45. A new section is added to chapter 52.14 RCW  
16 to read as follows:

17 The term of office of each fire commissioner who is in office as of  
18 the effective date of this section shall remain the same and continue  
19 as if chapter ..., Laws of 1992 (this act) had not been enacted, but  
20 the term of office for each of their successors shall be four years.  
21 Any person elected to fill the remainder of a vacant term of office  
22 shall fill the remainder of the full term of office of the commissioner  
23 whose position was filled.

24 **Sec. 46.** RCW 53.12.010 and 1991 c 363 s 128 are each amended to  
25 read as follows:

26 The powers of the port district shall be exercised through a port  
27 commission consisting of three members. ~~((In any port district with~~  
28 ~~boundaries that are coterminous with the boundaries of a county with a~~

1 population of five hundred thousand or more the members shall be  
2 residents of the county in which the port district is located. In all  
3 other port districts, three commissioner districts, numbered  
4 consecutively, having approximately equal population and boundaries  
5 following ward and precinct lines, shall be described in the petition  
6 for the formation of the port district, and one commissioner shall be  
7 elected from each of said commissioner districts.) Every port district  
8 that is not coextensive with a county having a population of five  
9 hundred thousand or more shall be divided into three commissioner  
10 districts each having approximately equal population. Where a port  
11 district is coextensive with the boundaries of a county that has a  
12 population of less than five hundred thousand and the county has three  
13 county legislative authority districts, the port district commissioner  
14 districts shall be the county legislative authority districts. In  
15 other instances where a port district is divided into commissioner  
16 districts, the petition proposing the formation of such a port district  
17 shall describe three commissioner districts each having approximately  
18 the same population and the commissioner districts shall be altered as  
19 provided in chapter 53.16 RCW.

20 Commissioner districts shall be used as follows: (1) Only a  
21 registered voter who resides in a commissioner district may be a  
22 candidate for, or hold office as, a commissioner of the commissioner  
23 district; and (2) only the voters of a commissioner district may vote  
24 at a primary to nominate candidates for a commissioner of the  
25 commissioner district. Voters of the entire port district may vote at  
26 a general election to elect a person as a commissioner of the  
27 commissioner district.

28 In port districts having additional commissioners as authorized by  
29 RCW 53.12.120 and 53.12.130, the powers of the port district shall be

1 exercised through a port commission consisting of five members  
2 constituted as provided therein.

3 **Sec. 47.** RCW 53.12.060 and 1990 c 259 s 19 are each amended to  
4 read as follows:

5 ~~((A general election shall be held in conjunction with county  
6 elections for the election of a port commissioner or commissioners and  
7 for the submission of propositions, and special elections shall be held  
8 at such times and for such propositions as the port commission may by  
9 resolution prescribe, subject to the limitations and pursuant to the  
10 requirements of)) Port district elections shall be conducted in  
11 accordance with Title 29 RCW.~~

12 ~~((The manner of conducting and voting at elections under this act,  
13 opening and closing of polls, keeping of poll lists, canvassing the  
14 votes, declaring the result, and certifying the returns, shall be the  
15 same as provided by the general election laws governing the election of  
16 state and county officers.))~~

17 **Sec. 48.** RCW 53.12.120 and 1982 c 219 s 1 are each amended to read  
18 as follows:

19 When the population of a port district reaches five hundred  
20 thousand, in accordance with the latest United States regular or  
21 special census or with the official state population estimate, there  
22 shall be submitted to the voters of the district, at the next general  
23 election or at a special port election called for that purpose, the  
24 proposition of increasing the number of commissioners to five. At any  
25 general election thereafter, the same proposition may be submitted by  
26 resolution of the port commissioners, by filing a certified copy of the  
27 resolution with the county auditor at least four months prior to the  
28 general election. If the proposition is adopted, the commission in

1 that port district shall consist of five commissioners (~~in positions~~  
2 ~~numbered as specified in RCW 53.12.035~~) with the two additional  
3 positions denominated as positions four and five, the additional  
4 commissioners to take office five days after the election.

5 **Sec. 49.** RCW 53.12.130 and 1965 c 51 s 8 are each amended to read  
6 as follows:

7 At the same general election the names of the candidates for the  
8 additional port commissioner positions numbered four and five shall be  
9 printed on the ballot and voted on, but the election of such additional  
10 commissioners shall be contingent upon the adoption of the proposition  
11 for a commission of five members. The candidate for each additional  
12 numbered position receiving the highest number of votes shall be  
13 elected, and shall take office (~~five days after the election~~)  
14 immediately after qualification as defined under RCW 29.01.135. The  
15 ~~additional commissioner thus elected receiving the highest number of~~  
16 ~~votes shall hold office for~~ (~~six~~) four years and the other shall hold  
17 office for (~~four~~) two years from the date provided by law for port  
18 commissioners to next commence their terms of office.

19 A successor to a commissioner holding position four or five whose  
20 term is about to expire, shall be elected at the general election next  
21 preceding such expiration, for a term of (~~six~~) four years.

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

24 A vacancy in the office of port commissioner shall occur (~~by~~  
25 ~~death, resignation, removal, conviction of a felony,~~) as provided in  
26 chapter 42.12 RCW or by nonattendance at meetings of the port  
27 commission for a period of sixty days unless excused by the port  
28 commission(~~, by any statutory disqualification, or by any permanent~~

1 ~~disability preventing the proper discharge of his duty~~). A vacancy on  
2 a port commission shall be filled as provided in chapter 42.12 RCW.

3 **Sec. 51.** RCW 53.12.172 and 1979 ex.s. c 126 s 34 are each amended  
4 to read as follows:

5 In every ((such)) port district the term of office of each port  
6 commissioner shall be ((six)) four years and until ((his or her)) a  
7 successor is elected and qualified(~~(, and one commissioner shall be~~  
8 ~~elected at the time of the general election in each odd numbered year~~  
9 ~~for the term of six years beginning in accordance with RCW 29.04.170:~~  
10 ~~PROVIDED, That the terms of office of the port commissioners shall be~~  
11 ~~staggered in any district hereafter organized as follows:—(1) The~~  
12 ~~candidate residing in the first commissioner district receiving the~~  
13 ~~highest number of votes in the port district at the election organizing~~  
14 ~~the district shall hold office until a successor assumes office who is~~  
15 ~~elected from the election held in the sixth year after the~~  
16 ~~organizational election, if such organizational election was held in an~~  
17 ~~odd numbered year, or from the election held in the fifth year after~~  
18 ~~the organizational election if such organizational election was held in~~  
19 ~~an even numbered year; (2) the candidate residing in the second~~  
20 ~~commissioner district receiving the highest number of votes in the port~~  
21 ~~district at such organizational election shall hold office until a~~  
22 ~~successor assumes office who is elected from the election held in the~~  
23 ~~fourth year after the organizational election, if such organizational~~  
24 ~~election was held in an odd numbered year, or from the election held in~~  
25 ~~the third year after the organizational election if such organizational~~  
26 ~~election was held in an even numbered year; and (3) the candidate~~  
27 ~~residing in the third commissioner district receiving the highest~~  
28 ~~number of votes in the port district at such organizational election~~  
29 ~~shall hold office until a successor assumes office who is elected from~~

1 ~~the election held in the second year after the organizational election,~~  
2 ~~if such organizational election was held in an odd-numbered year, or~~  
3 ~~from the election held in the first year after the organizational~~  
4 ~~election if such organizational election was held in an even-numbered~~  
5 ~~year)).~~ The initial port commissioners shall be elected at the same  
6 election as when the ballot proposition is submitted to voters  
7 authorizing the creation of the port district. If the port district is  
8 created the persons elected at this election shall serve as the initial  
9 port commission. No primary shall be held. A special filing period  
10 shall be opened as provided in RCW 29.21.360 and 29.21.370. The person  
11 receiving the greatest number of votes for commissioner from each  
12 commissioner district shall be elected as the commissioner of that  
13 district. The terms of office of the initial port commissioners shall  
14 be staggered as follows: (1) The two persons who are elected receiving  
15 the two greatest numbers of votes shall be elected to four-year terms  
16 of office if the election is held in an odd-numbered year, or three-  
17 year terms of office if the election is held in an even-numbered year,  
18 and shall hold office until successors are elected and qualified and  
19 assume office in accordance with RCW 29.04.170; and (2) the other  
20 person who is elected shall be elected to a two-year term of office if  
21 the election is held in an odd-numbered year, or a one-year term of  
22 office if the election is held in an even-numbered year, and shall hold  
23 office until a successor is elected and qualified and assumes office in  
24 accordance with RCW 29.04.170. The initial port commissioners shall  
25 take office immediately after being elected and qualified, but the  
26 length of their terms shall be calculated from the first day in January  
27 in the year following their elections.

28 NEW SECTION. Sec. 52. A new section is added to chapter 53.16 RCW  
29 to read as follows:

1       The term of office of each port commissioner who is in office as of  
2 the effective date of this section shall remain the same and continue  
3 as if chapter ..., Laws of 1992 (this act) had not been enacted, but  
4 the term of office for each of their successors shall be four years.  
5 Any person elected to fill the remainder of a vacant term of office  
6 shall fill the remainder of the full term of office of the commissioner  
7 whose position was filled.

8       NEW SECTION.   **Sec. 53.** A new section is added to chapter 53.16 RCW  
9 to read as follows:

10       The port commission of a port district that is divided into  
11 commissioner districts as provided in RCW 53.12.010 may redraw its  
12 commissioner districts as provided in this chapter if the port district  
13 is not coterminous with a county that has three county legislative  
14 authority districts.

15       The boundaries of the commissioner districts shall be redrawn as  
16 provided in chapter 29.70 RCW if the port district is not coterminous  
17 with a county with three county legislative authority districts.

18       In addition, the commissioners of a port district that is not  
19 coterminous with a county with three county legislative authority  
20 districts may redraw commissioner district boundaries at any time and  
21 submit the redrawn districts to the county auditor.   The new  
22 commissioner districts shall be used at the next election at which a  
23 port commissioner is regularly elected that occurs at least one hundred  
24 eighty days after the revised commissioner districts have been  
25 submitted.

26       Each commissioner district shall constitute as nearly as possible  
27 one-third of the population of the port district.

1       **Sec. 54.** RCW 53.16.030 and 1933 c 145 s 4 are each amended to read  
2 as follows:

3       Any change of boundary lines provided for in this chapter shall not  
4 affect the term for which a commissioner shall hold office at the time  
5 the change is made(~~(, and the requirement of two years' residence~~  
6 ~~within the commissioner district for eligibility for office of port~~  
7 ~~commissioner shall not apply to incumbent commissioners seeking~~  
8 ~~election at any port district election held within three years of the~~  
9 ~~change of such district boundaries: PROVIDED, That at the time of~~  
10 ~~nomination the incumbent commissioner resides in the commissioners~~  
11 ~~district for which he seeks election)).~~

12       **Sec. 55.** RCW 54.08.060 and 1979 ex.s. c 126 s 36 are each amended  
13 to read as follows:

14       Whenever a proposition for the formation of a public utility  
15 district is to be submitted to voters in any county, the county  
16 legislative authority may by resolution call a special election, and at  
17 the request of petitioners for the formation of such district contained  
18 in the petition shall do so and shall provide for holding the same at  
19 the earliest practicable time. If the boundaries of the proposed  
20 district embrace an area less than the entire county, such election  
21 shall be confined to the area so included. The notice of such election  
22 shall state the boundaries of the proposed district and the object of  
23 such election; in other respects, such election shall be held and  
24 called in the same manner as provided by law for the holding and  
25 calling of general elections: PROVIDED, That notice thereof shall be  
26 given for not less than ten days nor more than thirty days prior to  
27 such special election. In submitting the (~~said~~) proposition to the  
28 voters for their approval or rejection, such proposition shall be  
29 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 29.21.360 and  
14 29.21.370. 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 two persons who  
19 are elected as commissioners receiving the two greatest numbers of  
20 votes shall be elected to four-year terms of office if the election is  
21 held in an even-numbered year or three-year terms of office if the  
22 election is held in an odd-numbered year; and (2) the other person who  
23 is elected as a commissioner shall be elected to a two-year term of  
24 office if the election is held in an even-numbered year or a one-year  
25 term of office if the election is held in an odd-numbered year. The  
26 commissioners first to be elected at such special election shall hold  
27 office from the first day of the month following ((the commissioners')  
28 election ((for the terms as specified in this section which terms shall  
29 be computed from the first day in January next following the election.~~

1 ~~If such special election was held in an even numbered year, the~~  
2 ~~commissioners residing in commissioner district number one shall hold~~  
3 ~~office for the term of six years, the commissioner residing in~~  
4 ~~commissioner district number two shall hold office for the term of four~~  
5 ~~years, and the commissioner residing in commissioner district number~~  
6 ~~three shall hold office for the term of two years. If such special~~  
7 ~~election was held in an odd numbered year, the commissioner residing in~~  
8 ~~commissioner district number one shall hold office for the term of five~~  
9 ~~years, the commissioner residing in commissioner district number two~~  
10 ~~shall hold office for the term of three years, and the commissioner~~  
11 ~~residing in commissioner district number three shall hold office for~~  
12 ~~the term of one year)) but the length of their terms of office shall be~~  
13 ~~calculated from the first day in January in the year following their~~  
14 ~~elections.~~

15 The term "general election" as used herein means biennial general  
16 elections at which state and county officers are elected.

17 **Sec. 56.** RCW 54.12.010 and 1990 c 59 s 109 are each amended to  
18 read as follows:

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

1 The powers of the public utility district shall be exercised  
2 through a commission consisting of three members in three commissioner  
3 districts, and five members in five commissioner districts.

4 When the public utility district is ~~((coextensive with the limits  
5 of such county))~~ county-wide and the county has three county  
6 legislative authority districts, then, at the first election of  
7 commissioners and until any change shall have been made in the  
8 boundaries of public utility district commissioner districts, one  
9 public utility district commissioner shall be chosen from each of the  
10 three county ~~((commissioner))~~ legislative authority districts ~~((of the  
11 county in which the public utility district is located if the county is  
12 not operating under a "Home Rule" charter))~~. When the public utility  
13 district comprises only a portion of the county, with boundaries  
14 established in accordance with chapter 54.08 RCW, or when the public  
15 utility district is ~~((located in a county operating under a "Home Rule"  
16 charter))~~ county-wide and the county does not have three county  
17 legislative authority districts, three public utility district  
18 commissioner districts, numbered consecutively, ~~((having))~~ each with  
19 approximately equal population and ~~((boundaries,))~~ following ~~((ward  
20 and))~~ precinct lines, as far as practicable, shall be described in the  
21 petition for the formation of the public utility district, which shall  
22 be subject to appropriate change by the county legislative authority if  
23 and when ~~((they))~~ it changes the boundaries of the proposed public  
24 utility district, and one commissioner shall be elected ~~((from each of  
25 said))~~ as a commissioner of each of the public utility district  
26 commissioner districts. ~~((In all five commissioner districts an  
27 additional commissioner at large shall be chosen from each of the two  
28 at large districts. No person shall be eligible to be elected to the  
29 office of public utility district commissioner for a particular  
30 district commissioner district unless he is a registered voter of the~~

1 ~~public utility district commissioner district or at large district from~~  
2 ~~which he is elected.))~~ Commissioner districts shall be used as follows:  
3 (1) Only a registered voter who resides in a commissioner district may  
4 be a candidate for, or hold office as, a commissioner of the  
5 commissioner district; and (2) only voters of a commissioner district  
6 may vote at a primary to nominate candidates for a commissioner of the  
7 commissioner district. Voters of the entire public utility district  
8 may vote at a general election to elect a person as a commissioner of  
9 the commissioner district. The two additional commissioners in a five  
10 commissioner district shall not be associated with a commissioner  
11 district and shall be elected on an at-large basis as if commissioner  
12 districts did not exist.

13 ~~((Except as otherwise provided,))~~ The term of office of each public  
14 utility district commissioner ((other than the commissioners at large  
15 shall be six years, and the term of each commissioner at large)) shall  
16 be four years. Each term shall be computed in accordance with RCW  
17 29.04.170 following the commissioner's election. ((One commissioner at  
18 large and one commissioner from a commissioner district shall be  
19 elected at each general election held in an even-numbered year for the  
20 term of four years and six years respectively. All candidates shall be  
21 voted upon by the entire public utility district.

22 ~~When a public utility district is formed, three public utility~~  
23 ~~district commissioners shall be elected at the same election at which~~  
24 ~~the proposition is submitted to the voters as to whether such public~~  
25 ~~utility district shall be formed. If the general election adopting the~~  
26 ~~proposition to create the public utility district was held in an even-~~  
27 ~~numbered year, the commissioner residing in commissioner district~~  
28 ~~number one shall hold office for the term of six years; the~~  
29 ~~commissioner residing in commissioner district number two shall hold~~  
30 ~~office for the term of four years; and the commissioner residing in~~

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

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

26 A vacancy in the office of public utility district commissioner  
27 shall occur as provided in chapter 42.12 RCW or by ((death,  
28 resignation, removal, conviction of a felony,)) nonattendance at  
29 meetings of the public utility district commission for a period of  
30 sixty days unless excused by the public utility district commission((7

1 by any statutory disqualification, or by any permanent disability  
2 preventing the proper discharge of his duty. In the event of a vacancy  
3 in said office, such vacancy shall be filled at the next general  
4 election held in an even-numbered year, the vacancy in the interim to  
5 be filled by appointment by the remaining commissioners. If more than  
6 one vacancy exists at the same time in a three commissioner district,  
7 or more than two in a five commissioner district, a special election  
8 shall be called by the county canvassing board upon the request of the  
9 remainder, or, that failing, by the county election board, such  
10 election to be held not more than forty days after the occurring of  
11 such vacancies.

12 A majority of the persons holding the office of public utility  
13 district commissioner at any time shall constitute a quorum of the  
14 commission for the transaction of business, and the concurrence of a  
15 majority of the persons holding such office at the time shall be  
16 necessary and shall be sufficient for the passage of any resolution,  
17 but no business shall be transacted, except in usual and ordinary  
18 course, unless there are in office at least a majority of the full  
19 number of commissioners fixed by law)). Vacancies on a board of public  
20 utility district commissioners shall be filled as provided in chapter  
21 42.12 RCW.

22 The boundaries of the public utility district ((commissioners'))  
23 commissioner districts may be changed only by the public utility  
24 district commission, and shall be examined every ten years to determine  
25 substantial equality of population in accordance with chapter 29.70  
26 RCW, but ((said)) the boundaries shall not be changed oftener than once  
27 in four years, and only when all members of the commission are present.  
28 Whenever territory is added to a public utility district under RCW  
29 54.04.035, the boundaries of the public utility ((commissioners'))  
30 commissioner districts shall be changed to include such additional

1 territory. The proposed change of the boundaries of the public utility  
2 district ((~~commissioners~~)) commissioner district must be made by  
3 resolution and after public hearing. Notice of the time of a public  
4 hearing thereon shall be published for two weeks prior thereto. Upon  
5 a referendum petition signed by ten percent of the qualified voters of  
6 the public utility district being filed with the county auditor, the  
7 county legislative authority shall submit such proposed change of  
8 boundaries to the voters of the public utility district for their  
9 approval or rejection. Such petition must be filed within ninety days  
10 after the adoption of resolution of the proposed action. The validity  
11 of ((~~said~~)) the petition shall be governed by the provisions of chapter  
12 54.08 RCW.

13 NEW SECTION. **Sec. 57.** A new section is added to chapter 54.12 RCW  
14 to read as follows:

15 The term of office of each public utility district commissioner who  
16 is in office as of the effective date of this section shall remain the  
17 same and continue as if chapter ..., Laws of 1992 (this act) had not  
18 been enacted, but the term of office for each of their successors shall  
19 be four years. Any person elected to fill the remainder of a vacant  
20 term of office shall fill the remainder of the full term of office of  
21 the commissioner whose position was filled.

22 **Sec. 58.** RCW 54.40.070 and 1977 ex.s. c 36 s 7 are each amended to  
23 read as follows:

24 Within thirty days after the public utility district commission  
25 shall divide the district into two at large districts, the county  
26 legislative authority shall call a special election, to be held at the  
27 next scheduled special election called pursuant to RCW 29.13.010, or  
28 not more than ninety days after such call, at which time the initial

1 commissioners to such at large districts shall be elected(~~(7)~~). No  
2 primary shall be held and a special filing period shall be opened as  
3 provided in RCW 29.21.360 and 29.21.370. The person receiving the  
4 greatest number of votes for each position shall be elected.

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

16 The newly elected commissioners shall assume office immediately  
17 after being elected and qualified and shall serve until their  
18 successors are elected and qualified and assume office in accordance  
19 with RCW 29.04.170. Each successor shall be elected to a four-year  
20 term of office.

21 **Sec. 59.** RCW 56.12.015 and 1991 c 190 s 2 are each amended to read  
22 as follows:

23 If a three-member board of commissioners of any sewer district with  
24 any number of customers determines by resolution that it would be in  
25 the best interest of the district to increase the number of  
26 commissioners from three to five, or if the board of a sewer district  
27 with any number of customers is presented with a petition signed by ten  
28 percent of the registered voters resident within the district who voted  
29 in the last general municipal election calling for an increase in the

1 number of commissioners of the district, the board shall submit a  
2 resolution to the county auditor requesting that an election be held.  
3 Upon receipt of the resolution, the county auditor shall call a special  
4 election to be held within the sewer district in accordance with RCW  
5 29.13.010 and 29.13.020, at which election a proposition in  
6 substantially the following language shall be submitted to the voters:

7 Shall the Board of Commissioners of ..... (Name and/or No. of  
8 sewer district)..... be increased from three to five members?

9 Yes .....

10 No .....

11 If the proposition receives a majority approval at the election the  
12 board of commissioners of the sewer district shall be increased to five  
13 members. In any sewer district with more than ten thousand customers,  
14 if a three-member board of commissioners determines by resolution and  
15 approves by unanimous vote of the board that it would be in the best  
16 interest of the district to increase the number of commissioners from  
17 three to five, the number of commissioners shall be so increased,  
18 without an election, unless within ninety days of adoption of that  
19 resolution, a petition requesting an election and signed by at least  
20 ten percent of the registered voters who voted in the last general  
21 municipal election is filed with the board. If such a petition is  
22 received, the board shall submit the resolution and the petition to the  
23 county auditor, who shall call a special election in the manner  
24 described in this section and in accordance with the provisions of RCW  
25 29.13.010 and 29.13.020.

26 The two positions created on boards of sewer commissioners by this  
27 section shall be filled initially as for a vacancy, except that the  
28 appointees shall draw lots, one appointee to serve until the next

1 general ((sewer)) district election after the appointment(~~(, at which~~  
2 ~~two commissioners shall be elected for six year terms,~~) and the other  
3 appointee to serve until the second general ((sewer)) district election  
4 after the appointment(~~(, at which two commissioners shall be elected~~  
5 ~~for six year terms)~~). The successors of the two additional  
6 commissioners shall be elected to four-year terms of office.

7 **Sec. 60.** RCW 56.12.020 and 1979 ex.s. c 126 s 38 are each amended  
8 to read as follows:

9 At the election held to form or reorganize a sewer district,  
10 (~~there shall be elected three commissioners who shall assume office~~  
11 ~~immediately when qualified in accordance with RCW 29.01.135 to hold~~  
12 ~~office for terms of two, four, and six years respectively, and until~~  
13 ~~their successors are elected and qualified and assume office in~~  
14 ~~accordance with RCW 29.04.170.~~

15 The term of each nominee shall be expressed on the ballot and shall  
16 be computed from the first day of January next following if the initial  
17 election of the sewer district commissioners was in a general district  
18 election as provided in RCW 29.13.020, or from the first day of January  
19 following the first general election for sewer districts after its  
20 creation if the initial election was on a date other than a general  
21 district election. Thereafter, every two years there shall be elected  
22 a commissioner for a term of six years and until his or her successor  
23 is elected and qualified, at the general election held in the odd-  
24 numbered years, as provided in RCW 29.13.020, and conducted by the  
25 county auditor and the returns shall be canvassed by the county  
26 canvassing board of election returns: PROVIDED, That each such  
27 commissioner shall assume office in accordance with RCW 29.04.170))  
28 three sewer district commissioners shall be elected. The election of  
29 sewer district commissioners shall be null and void if the ballot

1 proposition to form or reorganize the sewer district is not approved.  
2 Candidates shall run for one of three separate commissioner positions.  
3 A special filing period shall be opened as provided in RCW 29.21.360  
4 and 29.21.370. The person receiving the greatest number of votes for  
5 each position shall be elected to that position.

6 The newly elected sewer district commissioners shall assume office  
7 immediately when they are elected and qualified. Staggering of the  
8 terms of office for the new sewer district commissioners shall be  
9 accomplished as follows: (1) The two persons who are elected as  
10 commissioners receiving the greatest numbers of votes shall be elected  
11 to four-year terms of office if the election was held in an odd-  
12 numbered year or three-year terms of office if the election was held in  
13 an even-numbered year; and (2) the person who is elected as the other  
14 commissioner shall be elected to a two-year term of office if the  
15 election was held in an odd-numbered year or one-year term of office if  
16 the election was held in an even-numbered year. The terms of office  
17 shall be calculated from the first day of January after the election.

18 Thereafter commissioners shall be elected to four-year terms of  
19 office. Commissioners shall serve until their successors are elected  
20 and qualified and assume office in accordance with RCW 29.04.170.

21 Thereafter, commissioners shall be elected to four-year terms of  
22 office and shall serve until their successors are elected and  
23 qualified.

24 **Sec. 61.** RCW 56.12.030 and 1990 c 259 s 24 are each amended to  
25 read as follows:

26 ~~((1) Nominations for the first board of commissioners to be~~  
27 ~~elected at the election for the formation of the sewer district shall~~  
28 ~~be by petition of fifty registered voters or ten percent of the~~  
29 ~~registered voters of the district who voted in the last general~~

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

20 (2) Subsection (1) of this section notwithstanding,) Sewer  
21 district elections shall conform with general election laws.

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

1 candidates shall be nominated and one candidate shall be elected from  
2 each commissioner district by the registered voters of the commissioner  
3 district.

4 (3) All expense of elections for the formation or reorganization of  
5 a sewer district shall be paid by the county in which the election is  
6 held and the expenditure is hereby declared to be for a county purpose,  
7 and the money paid for that purpose shall be repaid to the county by  
8 the district if formed or reorganized.)) Commissioner districts shall  
9 be used as follows: (1) Only a registered voter who resides in a  
10 commissioner district may be a candidate for, or serve as, a  
11 commissioner of the commissioner district; and (2) only voters of a  
12 commissioner district may vote at a primary to nominate candidates for  
13 a commissioner of the commissioner district. Voters of the entire  
14 sewer district may vote at a general election to elect a person as a  
15 commissioner of the commissioner district. Commissioner districts  
16 shall be redrawn as provided in chapter 29.70 RCW.

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

19 NEW SECTION. Sec. 62. A new section is added to chapter 56.12 RCW  
20 to read as follows:

21 The term of office of each sewer district commissioner who is in  
22 office as of the effective date of this section shall remain the same  
23 and continue as if chapter ..., Laws of 1992 (this act) had not been  
24 enacted, but the term of office for each of their successors shall be  
25 four years. Any person elected to fill the remainder of a vacant term  
26 of office shall fill the remainder of the full term of office of the  
27 commissioner whose position was filled.

1       **Sec. 63.** RCW 57.02.050 and 1982 1st ex.s. c 17 s 5 are each  
2 amended to read as follows:

3       Whenever the boundaries or proposed boundaries of a water district  
4 include or are proposed to include by means of formation, annexation,  
5 consolidation, or merger (including merger with a sewer district)  
6 territory in more than one county, all duties delegated by Title 57 RCW  
7 to officers of the county in which the district is located shall be  
8 delegated to the officers of the county in which the largest land area  
9 of the district is located, except that elections shall be conducted  
10 pursuant to ((RCW 57.02.060, ~~as now existing or hereafter amended~~))  
11 general election law, actions subject to review and approval under RCW  
12 57.02.040 and 56.02.070 shall be reviewed and approved only by the  
13 officers or boards in the county in which such actions are proposed to  
14 occur, verification of electors' signatures shall be conducted by the  
15 county election officer of the county in which such signators reside,  
16 and comprehensive plan review and approval or rejection by the  
17 respective county legislative authorities under RCW 57.16.010 shall be  
18 limited to that part of such plans within the respective counties.

19       **Sec. 64.** RCW 57.12.015 and 1991 c 190 s 6 are each amended to read  
20 as follows:

21       In the event a three-member board of commissioners of any water  
22 district with any number of customers determines by resolution that it  
23 would be in the best interest of the district to increase the number of  
24 commissioners from three to five, or in the event the board of a  
25 district with any number of customers is presented with a petition  
26 signed by ten percent of the registered voters resident within the  
27 district who voted in the last general municipal election calling for  
28 an increase in the number of commissioners of the district, the board  
29 shall submit a resolution to the county auditor requesting that an

1 election be held. Upon receipt of the resolution, the county auditor  
2 shall call a special election to be held within the water district in  
3 accordance with RCW 29.13.010 and 29.13.020, at which election a  
4 proposition in substantially the following language shall be submitted  
5 to the voters:

6 Shall the Board of Commissioners of (Name and/or No. of water  
7 district) be increased from three to five members?

8 Yes .....

9 No .....

10 If the proposition receives a majority approval at the election the  
11 board of commissioners of the water district shall be increased to five  
12 members. In any water district with more than ten thousand customers,  
13 if a three-member board of commissioners determines by resolution and  
14 approves by unanimous vote of the board that it would be in the best  
15 interest of the district to increase the number of commissioners from  
16 three to five, the number of commissioners shall be so increased,  
17 without an election, unless within ninety days of adoption of that  
18 resolution a petition requesting an election and signed by at least ten  
19 percent of the registered voters who voted in the last general  
20 municipal election is filed with the board. If such a petition is  
21 received, the board shall submit the resolution and the petition to the  
22 county auditor, who shall call a special election in the manner  
23 described in this section and in accordance with the provisions of RCW  
24 29.13.010 and 29.13.020.

25 The two positions created on boards of water commissioners by this  
26 section shall be filled initially as for a vacancy, except that the  
27 appointees shall draw lots, one appointee to serve until the next  
28 general ((water)) district election after the appointment((, at which

1 ~~two commissioners shall be elected for six year terms,~~) and the other  
2 appointee to serve until the second general ((~~water~~)) district election  
3 after the appointment(~~(, at which two commissioners shall be elected~~  
4 ~~for six year terms~~)). The successors shall be elected to four-year  
5 terms of office.

6 **Sec. 65.** RCW 57.12.020 and 1990 c 259 s 30 are each amended to  
7 read as follows:

8 ((~~Nominations for the first board of commissioners to be elected at~~  
9 ~~the election for the formation of the water district shall be by~~  
10 ~~petition of at least ten percent of the registered voters of the~~  
11 ~~district who voted in the last general municipal election, filed in the~~  
12 ~~auditor's office of the county in which the district is located, at~~  
13 ~~least forty five days prior to the election. Thereafter, candidates~~  
14 ~~for the office of water commissioners shall file declarations of~~  
15 ~~candidacy and their election shall be conducted as provided by the~~  
16 ~~general election laws.~~))

17 A vacancy ((~~or vacancies~~)) on the board shall occur and shall be  
18 filled ((~~by appointment by the remaining commissioner or commissioners~~  
19 ~~until the next regular election for commissioners: PROVIDED, That if~~  
20 ~~there are two vacancies on the board, one vacancy shall be filled by~~  
21 ~~appointment by the remaining commissioner and the one remaining vacancy~~  
22 ~~shall be filled by appointment by the then two commissioners and the~~  
23 ~~appointed commissioners shall serve until the next regular election for~~  
24 ~~commissioners. If the vacancy or vacancies remain unfilled within six~~  
25 ~~months of its or their occurrence, the county legislative authority in~~  
26 ~~which the district is located shall make the necessary appointment or~~  
27 ~~appointments. If there is a vacancy of the entire board a new board~~  
28 ~~may be appointed by the county legislative authority.~~

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

4 **Sec. 66.** RCW 57.12.030 and 1982 1st ex.s. c 17 s 14 are each  
5 amended to read as follows:

6 ((The general laws of the state of Washington governing the  
7 registration of voters for a general or a special city election shall  
8 govern the registration of voters for elections held under this  
9 chapter. The manner of holding any general or special election for  
10 said)) Water district elections shall be held in accordance with the  
11 general election laws of this state. ((All elections in a water  
12 district shall be conducted under RCW 57.02.060. All expenses of  
13 elections for a water district shall be paid for out of the funds of  
14 the water district: PROVIDED, That if the voters fail to approve the  
15 formation of a water district, the expenses of the formation election  
16 shall be paid by each county in which the proposed district is  
17 located, in proportion to the number of registered voters in the  
18 proposed district residing in each county.))

19 Except as in this section otherwise provided, the term of office of  
20 each water district commissioner shall be ((six)) four years, such term  
21 to be computed from the first day of January following the election,  
22 and ((one commissioner shall be elected at each biennial general  
23 election, as provided in RCW 29.13.020, for the term of six years and  
24 until his or her successor is)) commissioners shall serve until their  
25 successors are elected and qualified and assume((s)) office in  
26 accordance with RCW 29.04.170. ((All candidates shall be voted upon by  
27 the entire water district.))

28 Three water district commissioners shall be elected at the same  
29 election at which the proposition is submitted to the voters as to

1 whether such water district shall be formed. ((The commissioner  
2 elected in commissioner position number one shall hold office for the  
3 term of six years; the commissioner elected in commissioner position  
4 number two shall hold office for the term of four years; and the  
5 commissioner elected in commissioner position number three shall hold  
6 office for the term of two years: PROVIDED, That the members of the  
7 first commission shall take office immediately upon their election and  
8 qualification. The terms of all commissioners first to be elected  
9 shall also include the time intervening between the date that the  
10 results of their election are declared in the canvass of returns  
11 thereof and the first day of January following the next general  
12 district election as provided in RCW 29.13.020.)) The election of  
13 water district commissioners shall be null and void if the ballot  
14 proposition to form the water district is approved. Each candidate  
15 shall run for one of three separate commissioner positions. A special  
16 filing period shall be opened as provided in RCW 29.21.360 and  
17 29.21.370. The person receiving the greatest number of votes for each  
18 position shall be elected to that position.

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

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

4 NEW SECTION. Sec. 67. A new section is added to chapter 57.12 RCW  
5 to read as follows:

6 The term of office of each water district commissioner who is in  
7 office as of the effective date of this section shall remain the same  
8 and continue as if chapter ..., Laws of 1992 (this act) had not been  
9 enacted, but the term of office for each of their successors shall be  
10 four years. Any person elected to fill the remainder of a vacant term  
11 of office shall fill the remainder of the full term of office of the  
12 commissioner whose position was filled.

13 **Sec. 68.** RCW 57.12.039 and 1986 c 41 s 2 are each amended to read  
14 as follows:

15 Notwithstanding RCW 57.12.020 and 57.12.030, the board of  
16 commissioners may provide by majority vote that subsequent  
17 commissioners be elected from commissioner districts within the  
18 district. If the board exercises this option, it shall divide the  
19 district into three commissioner districts of approximately equal  
20 population following current precinct and district boundaries.  
21 (~~Thereafter, candidates shall be nominated and one candidate shall be~~  
22 ~~elected from each commissioner district by the electors of the~~  
23 ~~commissioner district.~~)

24 Commissioner districts shall be used as follows: (1) Only a  
25 registered voter who resides in a commissioner district may be a  
26 candidate for, or serve as, a commissioner of the commissioner  
27 district; and (2) only voters of a commissioner district may vote at a  
28 primary to nominate candidates for a commissioner of the commissioner

1 district. Voters of the entire water district may vote at a general  
2 election to elect a person as a commissioner of the commissioner  
3 district. Commissioner districts shall be redrawn as provided in  
4 chapter 29.70 RCW.

5       **Sec. 69.** RCW 57.32.022 and 1982 1st ex.s. c 17 s 31 are each  
6 amended to read as follows:

7       The respective boards of water commissioners of the consolidating  
8 districts shall certify the agreement to the county election officer of  
9 each county in which the districts are located. A special election  
10 shall be called by the county election officer (~~((under RCW 57.02.060))~~)  
11 for the purpose of submitting to the voters of each of the  
12 consolidating districts the proposition of whether or not the several  
13 districts shall be consolidated into one water district. The  
14 proposition shall give the title of the proposed consolidated district.  
15 Notice of the election shall be given and the election conducted in  
16 accordance with the general election laws.

17       **Sec. 70.** RCW 57.32.023 and 1982 1st ex.s. c 17 s 32 are each  
18 amended to read as follows:

19       If at the election a majority of the voters in each of the  
20 consolidating districts vote in favor of the consolidation, the county  
21 canvassing board shall so declare in its canvass (~~((under RCW~~  
22 ~~57.02.060))~~) and the return of such election shall be made within ten  
23 days after the date thereof. Upon the return the consolidation shall  
24 be effective and the consolidating districts shall cease to exist and  
25 shall then be and become a new water district and municipal corporation  
26 of the state of Washington. The name of such new water district shall  
27 be "Water District No. ....", which shall be the name appearing on the  
28 ballot. The district shall have all and every power, right, and

1 privilege possessed by other water districts of the state of  
2 Washington. The district may issue revenue bonds to pay for the  
3 construction of any additions and betterments set forth in the  
4 comprehensive plan of water supply contained in the agreement for  
5 consolidation and any future additions and betterments to the  
6 comprehensive plan of water supply, as its board of water commissioners  
7 shall by resolution adopt, without submitting a proposition therefor to  
8 the voters of the district.

9 NEW SECTION. **Sec. 71.** A new section is added to chapter 68.52 RCW  
10 to read as follows:

11 Cemetery district elections shall conform with general election  
12 laws.

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

15 **Sec. 72.** RCW 68.52.100 and 1947 c 6 s 2 are each amended to read  
16 as follows:

17 For the purpose of forming a cemetery district, a petition  
18 designating the boundaries of the proposed district by metes and bounds  
19 or describing the lands to be included in the proposed district by  
20 government townships, ranges and legal subdivisions, signed by not less  
21 than fifteen percent of the ~~((qualified))~~ registered ~~((electors, who  
22 are property owners or are purchasing property under contract and who  
23 are resident))~~ voters who reside within the boundaries of the proposed  
24 district, setting forth the object of the formation of such district  
25 and stating that the establishment thereof will be conducive to the  
26 public welfare and convenience, shall be filed with the county auditor  
27 of the county within which the proposed district is located,  
28 accompanied by an obligation signed by two or more petitioners agreeing

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

18 **Sec. 73.** RCW 68.52.140 and 1982 c 60 s 2 are each amended to read  
19 as follows:

20 The ~~(board of)~~ county ~~(commissioners)~~ legislative authority  
21 shall have full authority to hear and determine the petition, and if it  
22 finds that the formation of the district will be conducive to the  
23 public welfare and convenience, it shall by resolution so declare,  
24 otherwise it shall deny the petition. If the ~~(board)~~ county  
25 legislative authority finds in favor of the formation of the district,  
26 it shall designate the name and number of the district, fix the  
27 boundaries thereof, and cause an election to be held therein for the  
28 purpose of determining whether or not the district shall be organized  
29 under the provisions of this chapter, and for the purpose of electing

1 its first cemetery district commissioners. ((The board shall, prior to  
2 calling the said election, name three registered resident electors who  
3 are property owners or are purchasing property under contract within  
4 the boundaries of the district as candidates for election as cemetery  
5 district commissioners. These electors are exempt from the  
6 requirements of chapter 42.17 RCW.)) At the same election three  
7 cemetery district commissioners shall be elected, but the election of  
8 the commissioners shall be null and void if the district is not  
9 created. No primary shall be held. A special filing period shall be  
10 opened as provided in RCW 29.21.360 and 29.21.370. Candidates shall  
11 run for specific commissioner positions. The person receiving the  
12 greatest number of votes for each commissioner position shall be  
13 elected to that commissioner position. The terms of office of the  
14 initial commissioners shall be as provided in RCW 68.52.220.

15 **Sec. 74.** RCW 68.52.160 and 1947 c 6 s 8 are each amended to read  
16 as follows:

17 The ballot for ((said)) the election shall be in such form as may  
18 be convenient but shall present the propositions substantially as  
19 follows:

20 .....(insert county name)..... cemetery district No. ....(insert  
21 number).....

22 .....Yes.....

23 .....(insert county name)..... cemetery district No. ....(insert  
24 number).....

25 .....No.....

1 (~~and shall specify the names of the candidates nominated for election~~  
2 ~~as the first cemetery district commissioners with appropriate space to~~  
3 ~~vote for the same.))~~

4 **Sec. 75.** RCW 68.52.220 and 1990 c 259 s 33 are each amended to  
5 read as follows:

6 The affairs of the district shall be managed by a board of cemetery  
7 district commissioners composed of three (~~qualified registered voters~~  
8 ~~of the district~~) members. Members of the board shall receive no  
9 compensation for their services, but shall receive expenses necessarily  
10 incurred in attending meetings of the board or when otherwise engaged  
11 in district business. The board shall fix the compensation to be paid  
12 the secretary and other employees of the district. (~~The first three~~  
13 ~~cemetery district commissioners shall serve only until the first day in~~  
14 ~~January following the next general election, provided such election~~  
15 ~~occurs thirty or more days after the formation of the district, and~~  
16 ~~until their successors have been elected and qualified and have assumed~~  
17 ~~office in accordance with RCW 29.04.170. At the next general district~~  
18 ~~election, as provided in RCW 29.13.020, provided it occurs thirty or~~  
19 ~~more days after the formation of the district, three members of the~~  
20 ~~board of cemetery commissioners shall be chosen. They and all~~  
21 ~~subsequently elected cemetery commissioners shall have the same~~  
22 ~~qualifications as required of the first three cemetery commissioners~~  
23 ~~and~~) Cemetery district commissioners and candidates for cemetery  
24 district commissioner are exempt from the requirements of chapter 42.17  
25 RCW. (~~The candidate receiving the highest number of votes shall serve~~  
26 ~~for a term of six years beginning on the first day in January~~  
27 ~~following; the candidate receiving the next higher number of votes~~  
28 ~~shall serve for a term of four years from the date; and the candidate~~  
29 ~~receiving the next higher number of votes shall serve for a term of two~~

1 years from the date. Upon the expiration of their respective terms,  
2 all cemetery commissioners shall be elected for terms of six years to  
3 begin on the first day in January next succeeding the day of election  
4 and shall serve until their successors have been elected and qualified  
5 and assume office in accordance with RCW 29.04.170. Elections shall be  
6 called, noticed, conducted and canvassed and in the same manner and by  
7 the same officials as provided for general county elections.))

8 The initial cemetery district commissioners shall assume office  
9 immediately upon their election and qualification. Staggering of terms  
10 of office shall be accomplished as follows: (1) The two persons  
11 elected as commissioners receiving the two greatest numbers of votes  
12 shall be elected to four-year terms of office if the election is held  
13 in an odd-numbered year or three-year terms of office if the election  
14 is held in an even-numbered year; and (2) the other person who is  
15 elected commissioner shall be elected to a two-year term of office if  
16 the election is held in an odd-numbered year or a one-year term of  
17 office if the election is held in an even-numbered year. The initial  
18 commissioners shall assume office immediately after they are elected  
19 and qualified but their terms of office shall be calculated from the  
20 first day of January after the election.

21 Thereafter, commissioners shall be elected to four-year terms of  
22 office. Commissioners shall serve until their successors are elected  
23 and qualified and assume office as provided in RCW 29.04.170.

24 The polling places for a cemetery district election ((shall be  
25 those of the county voting precincts which include any of the territory  
26 within the cemetery district, and)) may be located inside or outside  
27 the boundaries of the district, as determined by the auditor of the  
28 county in which the cemetery district is located, and no such election  
29 shall be held irregular or void on that account.

1        NEW SECTION.    **Sec. 76.**    A new section is added to chapter 68.52 RCW  
2 to read as follows:

3        The term of office of each cemetery district commissioner who is in  
4 office as of the effective date of this section shall remain the same  
5 and continue as if chapter ..., Laws of 1992 (this act) had not been  
6 enacted, but the term of office for each of their successors shall be  
7 four years. Any person elected to fill the remainder of a vacant term  
8 of office shall fill the remainder of the full term of office of the  
9 commissioner whose position was filled.

10        **Sec. 77.**    RCW 70.44.040 and 1990 c 259 s 39 are each amended to  
11 read as follows:

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

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

25        At the election at which the proposition is submitted to the voters  
26 as to whether a district shall be formed, three commissioners shall be  
27 elected ~~((to hold office, respectively, for the terms of two, four, and~~  
28 ~~six years. All candidates shall be voted upon by the entire district,~~  
29 ~~and the candidate residing in commissioner district No. 1 receiving the~~

1 highest number of votes in the hospital district shall hold office for  
2 the term of six years; the candidate residing in commissioner district  
3 No. 2 receiving the highest number of votes in the hospital district  
4 shall hold office for the term of four years; and the candidate  
5 residing in commissioner district No. 3 receiving the highest number of  
6 votes in the hospital district shall hold office for the term of two  
7 years.— The first commissioners to be elected shall take office  
8 immediately when qualified in accordance with RCW 29.01.135.— Each term  
9 of the initial commissioners shall date from the time above specified  
10 following the organizational election, but shall also include the  
11 period intervening between the organizational election and the first  
12 day of January following the next district general election: PROVIDED,  
13 That in public hospital districts encompassing portions of more than  
14 one county, the total vote cast upon the proposition to form the  
15 district shall exceed forty percent of the total number of votes cast  
16 in each portion of each county lying within the proposed district at  
17 the next preceding general county election.— The portion of the  
18 proposed district located within each county shall constitute a  
19 separate commissioner district.— There shall be three district  
20 commissioners whose terms shall be six years.— Each district shall be  
21 designated by the name of the county in which it is located.— All  
22 candidates for commissioners shall be voted upon by the entire  
23 district.— Not more than one commissioner shall reside in any one  
24 district: PROVIDED FURTHER, That in the event there are only two  
25 districts then two commissioners may reside in one district.— The term  
26 of each commissioner shall commence on the first day in January in each  
27 year following his election.— At the election at which the proposition  
28 is submitted to the voters as to whether a district shall be formed,  
29 three commissioners shall be elected to hold office, respectively, for  
30 the terms of two, four, and six years.— The candidate receiving the

1 ~~highest number of votes within the district, as constituted by the~~  
2 ~~election, shall serve a term of six years; the candidate receiving the~~  
3 ~~next highest number of votes shall hold office for a term of four~~  
4 ~~years; and the candidate receiving the next highest number of votes~~  
5 ~~shall hold office for a term of two years: PROVIDED FURTHER, That the~~  
6 ~~holding of each such term of office shall be subject to the residential~~  
7 ~~requirements for district commissioners hereinbefore set forth in this~~  
8 ~~section)). The election of the initial commissioners shall be null and~~  
9 ~~void if the district is not authorized to be created.~~

10 No primary shall be held. A special filing period shall be opened  
11 as provided in RCW 29.21.360 and 29.21.370. The person receiving the  
12 greatest number of votes for the commissioner of each commissioner  
13 district shall be elected as the commissioner of that district. The  
14 terms of office of the initial public hospital district commissioners  
15 shall be staggered as follows: (a) The two persons who are elected as  
16 commissioners receiving the two greatest numbers of votes shall be  
17 elected to four-year terms of office if the election is held in an odd-  
18 numbered year, or to three-year terms of office if the election is held  
19 in an even-numbered year; and (b) the other person who is elected as a  
20 commissioner shall be elected to a two-year term of office if the  
21 election is held in an odd-numbered year, or to a one-year term of  
22 office if the election is held in an even-numbered year. The initial  
23 commissioners shall take office immediately when they are elected and  
24 qualified, but the length of such terms shall be computed from the  
25 first day of January in the year following this election. The term of  
26 office of each successor shall be four years. Each commissioner shall  
27 serve until a successor is elected and qualified and assumes office in  
28 accordance with RCW 29.04.170.

29 (2) Commissioner districts shall be used as follows: (a) Only a  
30 registered voter who resides in a commissioner district may be a

1 candidate for, or hold office as, a commissioner of the commissioner  
2 district; and (b) only voters of a commissioner district may vote at a  
3 primary to nominate candidates for a commissioner of the commissioner  
4 district. Voters of the entire public hospital district may vote at a  
5 general election to elect a person as a commissioner of the  
6 commissioner district.

7 If the proposed public hospital district is county-wide, and the  
8 county has three county legislative authority districts, the county  
9 legislative authority districts shall be used as public hospital  
10 district commissioner districts. In all other instances the county  
11 auditor of the county in which all or the largest portion of the  
12 proposed public hospital district is located shall draw the initial  
13 three public hospital district commissioner districts, each of which  
14 shall constitute as nearly as possible one-third of the total  
15 population of the proposed public hospital district and number the  
16 districts one, two, and three. Each of the three commissioner  
17 positions shall be numbered one through three and associated with the  
18 district of the same number.

19 The public hospital district commissioners may redraw commissioner  
20 districts, if the public hospital district has boundaries that are not  
21 coterminous with the boundaries of a county with three county  
22 legislative authority districts, so that each district comprises as  
23 nearly as possible one-third of the total population of the public  
24 hospital district. The commissioners of a public hospital district  
25 that is not coterminous with the boundaries of a county that has three  
26 county legislative authority districts shall redraw hospital district  
27 commissioner boundaries as provided in chapter 29.70 RCW.

28 NEW SECTION. Sec. 78. A new section is added to chapter 70.44 RCW  
29 to read as follows:

1       The term of office of each public hospital district commissioner  
2 who is in office as of the effective date of this section shall remain  
3 the same and continue as if chapter ..., Laws of 1992 (this act) had  
4 not been enacted, but the term of office for each of their successors  
5 shall be four years. Any person elected to fill the remainder of a  
6 vacant term of office shall fill the remainder of the full term of  
7 office of the commissioner whose position was filled.

8       **Sec. 79.** RCW 70.44.045 and 1982 c 84 s 13 are each amended to read  
9 as follows:

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

27       **Sec. 80.** RCW 70.44.053 and 1967 c 77 s 2 are each amended to read  
28 as follows:

1       At any general or special election which may be called for that  
2 purpose the board of public hospital district commissioners may, or on  
3 petition of ten percent of the (~~electors~~) voters based on the total  
4 vote cast in the last district general election in the public hospital  
5 district shall, by resolution, submit to the voters of the district the  
6 proposition increasing the number of commissioners to (~~any number~~  
7 ~~authorized in RCW 70.44.051~~) either five or seven members. The  
8 petition or resolution shall specify whether it is proposed to increase  
9 the number of commissioners to either five or seven members.

10       If the voters of the district approve the ballot proposition  
11 authorizing the increase in the number of commissioners to either five  
12 or seven members, the additional commissioners shall be elected at the  
13 next state general election occurring sixty days or more after the date  
14 of the election at which the voters of the district approved the ballot  
15 proposition authorizing the increase in the number of commissioners.  
16 If needed, special filing periods shall be authorized as provided in  
17 RCW 29.21.360 and 29.21.370 for qualified persons to file for the  
18 vacant office. A primary shall be held to nominate candidates if  
19 sufficient time exists to hold a primary and more than two candidates  
20 file for the vacant office. Otherwise, a primary shall not be held and  
21 the candidate receiving the greatest number of votes for each position  
22 shall be elected. Except for the initial terms of office, persons  
23 elected to each of these additional commissioner positions shall be  
24 elected to a four-year term.

25       Where the number of commissioners is increased from three to five,  
26 the initial terms of the two new commissioners shall be staggered so  
27 that the person who is elected as a commissioner receiving the greatest  
28 number of votes shall be elected to a four-year term of office if the  
29 election is held in an odd-numbered year, or a three-year term if the  
30 election is held in an even-numbered year, and the other person elected

1 as a commissioner shall be elected to a two-year term of office if the  
2 election is held in an odd-numbered year, or a one-year term if the  
3 election is held in an even-numbered year. The newly elected  
4 commissioners shall assume office as provided in RCW 29.04.170.

5 Where the number of commissioners is increased from three or five  
6 to seven, the county auditor of the county in which all or the largest  
7 portion of the hospital district is located shall cause the initial  
8 terms to be staggered so that half of the newly elected commissioners  
9 are elected to four-year terms of office and the other half are elected  
10 to two-year terms of office, if the election is held in an odd-numbered  
11 year, or half of the newly elected commissioners are elected to three-  
12 year terms of office and the other half are elected to one-year terms  
13 of office, if the election is held in an even-numbered year. The newly  
14 elected commissioners shall assume office as provided in RCW 29.04.170.

15 Candidates for the additional positions shall file for specific  
16 commissioner positions, which shall not be associated with a  
17 commissioner district.

18 **Sec. 81.** RCW 85.38.070 and 1991 c 349 s 11 are each amended to  
19 read as follows:

20 (1) Except as provided in RCW 85.38.090, each special district  
21 shall be governed by a three-member governing body. The term of office  
22 for each member of a special district governing body shall be ~~((six))~~  
23 four years and until ~~((his or her))~~ a successor is elected and  
24 qualified. ~~((One member of the governing body shall be elected at the~~  
25 ~~time of special district general elections in each even-numbered year~~  
26 ~~for a term of six years beginning as soon as the election returns have~~  
27 ~~been certified for assumption of office by elected officials of~~  
28 ~~cities.))~~

1       ~~(2) The terms of office of members of the governing bodies of~~  
2 ~~special districts, who are holding office on July 28, 1985, shall be~~  
3 ~~altered to provide staggered six year terms as provided in this~~  
4 ~~subsection. The member who on July 28, 1985, has the longest term~~  
5 ~~remaining shall have his or her term altered so that the position will~~  
6 ~~be filled at the February 1992, special district general election; the~~  
7 ~~member with the second longest term remaining shall have his or her~~  
8 ~~term altered so that the position will be filled at the December, 1989,~~  
9 ~~special district general election; and the member with the third~~  
10 ~~longest term of office shall have his or her term altered so that the~~  
11 ~~position will be filled at the December, 1987, special district general~~  
12 ~~election. The term of office of the member of each special district~~  
13 ~~governing body who is in office as of the effective date of this~~  
14 ~~section shall continue as if chapter ..., Laws of 1992 (this act) had~~  
15 ~~not been enacted, but the term of office for each of their successors~~  
16 ~~shall be four years. Any person elected to fill the remainder of a~~  
17 ~~vacant term of office shall fill the remainder of the full term of~~  
18 ~~office of the commissioner whose position was filled.~~

19       ~~(3) The initial members of the governing body of a newly created~~  
20 ~~special district shall be appointed by the legislative authority of the~~  
21 ~~county within which the special district, or the largest portion of the~~  
22 ~~special district, is located. These initial governing body members~~  
23 ~~shall serve until their successors are elected and qualified at the~~  
24 ~~next special district general election held at least ninety days after~~  
25 ~~the special district is established. At that election the first~~  
26 ~~elected members of the governing body shall be elected. No primary~~  
27 ~~((elections)) may be held. Any voter of a special district may become~~  
28 ~~a candidate for such a position by filing written notice of this~~  
29 ~~intention with the county auditor at least thirty, but not more than~~  
30 ~~sixty, days before a special district general election. Candidates~~

1 shall run for specific positions. The county auditor in consultation  
2 with the special district shall establish the filing period. The names  
3 of all candidates for ~~((such))~~ each position~~((s))~~ shall be listed  
4 alphabetically. At this first election, the ~~((candidate receiving the  
5 greatest number of votes shall have a six year term, the candidate))~~  
6 two persons who are elected receiving the ~~((second))~~ greatest numbers  
7 of votes shall ~~((have a))~~ be elected to four-year terms, and the  
8 ~~((candidate receiving the third greatest number of votes shall have))~~  
9 other person who is elected shall be elected to a two-year term of  
10 office. The initially elected members of a governing body shall take  
11 office immediately when qualified as defined in RCW 29.01.135.  
12 Thereafter the candidate receiving the greatest number of votes shall  
13 be elected for a ~~((six-year))~~ four-year term of office. Members of a  
14 governing body shall hold their office until their successors are  
15 elected and qualified, and assume office as soon as the election  
16 returns have been certified.

17 (4) The requirements for the filing period and method for filing  
18 declarations of candidacy for the governing body of the district and  
19 the arrangement of candidate names on the ballot for all special  
20 district elections conducted after the initial election in the district  
21 shall be the same as the requirements for the initial election in the  
22 district. No primary ~~((elections))~~ may be held for the governing body  
23 of a special district.

24 (5) Whenever a vacancy occurs in the governing body of a special  
25 district, the legislative authority of the county within which the  
26 special district, or the largest portion of the special district, is  
27 located, shall appoint a district voter to serve until a person is  
28 elected, at the next special district general election occurring sixty  
29 or more days after the vacancy has occurred, to serve the remainder of

1 the unexpired term. The person so elected shall take office  
2 immediately when qualified as defined in RCW 29.01.135.

3 If an election for the position which became vacant would otherwise  
4 have been held at this special district election, only one election  
5 shall be held and the person elected to fill the succeeding term for  
6 that position shall take office immediately when qualified as defined  
7 in RCW 29.01.135 and shall serve both the remainder of the unexpired  
8 term and the succeeding term. A vacancy occurs upon the death,  
9 resignation, or incapacity of a governing body member or whenever the  
10 governing body member ceases being a qualified voter of the special  
11 district.

12 (6) An elected or appointed member of a special district governing  
13 body, or a candidate for a special district governing body, must be a  
14 qualified voter of the special district: PROVIDED, That the state, its  
15 agencies and political subdivisions, or their designees under RCW  
16 85.38.010(3) shall not be eligible for election or appointment.

17 NEW SECTION. **Sec. 82.** The following acts or parts of acts are  
18 each repealed:

19 (1) RCW 35.61.060 and 1985 c 416 s 2 & 1965 c 7 s 35.61.069;

20 (2) RCW 35.61.070 and 1965 c 7 s 35.61.070;

21 (3) RCW 35.61.080 and 1965 c 7 s 35.61.080;

22 (4) RCW 36.54.080 and 1973 1st ex.s. c 195 s 36 & 1963 c 4 s  
23 36.54.080;

24 (5) RCW 36.54.090 and 1963 c 4 s 36.54.090;

25 (6) RCW 36.54.100 and 1963 c 4 s 36.54.100;

26 (7) RCW 36.69.060 and 1963 c 4 s 36.69.060;

27 (8) RCW 53.12.020 and 1991 c 363 s 129, 1986 c 262 s 2, 1965 c 51  
28 s 2, 1959 c 175 s 1, & 1959 c 17 s 4;

- 1 (9) RCW 53.12.035 and 1991 c 363 s 130, 1991 c 363 s 131, 1990 c 59  
2 s 108, 1965 c 51 s 3, & 1959 c 175 s 9;
- 3 (10) RCW 53.12.050 and 1959 c 17 s 5;
- 4 (11) RCW 53.12.057 and 1965 c 51 s 6;
- 5 (12) RCW 53.12.150 and 1990 c 40 s 1, 1985 c 87 s 1, 1983 c 11 s 1,  
6 1959 c 175 s 8, & 1959 c 17 s 8;
- 7 (13) RCW 53.12.180 and 1935 c 133 s 8;
- 8 (14) RCW 53.12.190 and 1935 c 133 s 10;
- 9 (15) RCW 53.12.200 and 1935 c 133 s 9;
- 10 (16) RCW 53.12.220 and 1979 ex.s. c 126 s 35, 1941 c 45 s 2, & 1925  
11 ex.s. c 113 s 2;
- 12 (17) RCW 53.16.010 and 1969 ex.s. c 9 s 1 & 1957 c 69 s 2;
- 13 (18) RCW 57.02.060 and 1982 1st ex.s. c 17 s 6;
- 14 (19) RCW 68.52.240 and 1947 c 6 s 16;
- 15 (20) RCW 70.44.051 and 1967 c 77 s 1;
- 16 (21) RCW 70.44.055 and 1967 c 77 s 3; and
- 17 (22) RCW 70.44.057 and 1967 c 77 s 4.

18 NEW SECTION. **Sec. 83.** Sections 6 through 10 and 56 of this act  
19 shall take effect July 1, 1992.