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**SUBSTITUTE SENATE BILL 5234**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** Senate Committee on Government Operations (originally sponsored by Senators Snyder, Gaspard, Wojahn, Bauer and Winsley)

Read first time 02/11/93.

1 AN ACT Relating to vacancies in elective office; amending RCW  
2 36.32.070, 42.12.040, and 42.12.010; adding new sections to chapter  
3 42.12 RCW; and providing a contingent effective date.

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

5 **Sec. 1.** RCW 36.32.070 and 1990 c 252 s 7 are each amended to read  
6 as follows:

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

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

17 (2) Whenever there are two vacancies in the office of county  
18 commissioner, the governor shall appoint one commissioner, and the two  
19 commissioners then in office shall appoint the third commissioner.

1 (~~((If they fail to agree upon a selection after the expiration of five~~  
2 ~~days from the day of the governor's appointment, the governor shall~~  
3 ~~appoint the third commissioner.))~~ The vacancies shall be filled in  
4 accordance with Article II, section 15 of the state Constitution.

5 (3) Whenever there is one vacancy in the office of county  
6 commissioner, the two remaining commissioners shall fill the vacancy(~~(-~~  
7 ~~If the two commissioners fail to agree upon a selection after the~~  
8 ~~expiration of five days from the day the vacancy occurred, the governor~~  
9 ~~shall appoint the third commissioner)) in accordance with Article II,  
10 section 15 of the state Constitution.~~

11 **Sec. 2.** RCW 42.12.040 and 1981 c 180 s 1 are each amended to read  
12 as follows:

13 (1) If a vacancy occurs in any partisan elective office in the  
14 executive (~~(or legislative branches))~~ branch of state government or in  
15 any partisan county elective office before the fourth Tuesday prior to  
16 the primary for the next general election (~~((following the occurrence of~~  
17 ~~the vacancy))~~ occurring during the first three years of the term of  
18 office, a successor shall be elected to that office at that general  
19 election. (~~(Except during the last year of the term of office,))~~ If  
20 such a vacancy occurs on or after the fourth Tuesday prior to the  
21 primary for ((that)) the general election occurring during the first  
22 two years of the term of office, the election of the successor shall  
23 occur at the next succeeding general election. The elected successor  
24 or, where no successor is elected pursuant to this section, an  
25 appointee, selected pursuant to Article II, section 15 of the state  
26 Constitution, shall hold office for the remainder of the unexpired  
27 term. This section shall not apply to any vacancy occurring in a  
28 charter county which has charter provisions inconsistent with this  
29 section.

30 (2) If a vacancy occurs in the state senate before the fourth  
31 Tuesday prior to the primary for the next even-year general election  
32 occurring two years after the term of office commenced, a successor  
33 shall be elected to that office at that general election.

34 (3) If a vacancy occurs in the state senate after the time  
35 specified in subsection (2) of this section, and if a vacancy occurs in  
36 the state house of representatives at any time, an appointee, selected  
37 pursuant to Article II, section 15 of the state Constitution, shall  
38 hold office for the remainder of the unexpired term.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 42.12 RCW  
2 to read as follows:

3        The county legislative authority session or joint session at which  
4 a vacancy in the state legislature is filled in accordance with Article  
5 II, section 15 of the state Constitution shall be conducted at a  
6 location within the state legislative district.

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

9        Vacancies that occur in any partisan county elective office shall  
10 be filled in accordance with Article II, section 15 of the state  
11 Constitution.    Such vacancies shall be filled by majority vote of the  
12 members of the county legislative authority.

13        **Sec. 5.**    RCW 42.12.010 and 1981 c 180 s 4 are each amended to read  
14 as follows:

15        Every elective office shall become vacant on the happening of any  
16 of the following events:

17        (1) The death of the incumbent;

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

20        (3) His or her removal;

21        (4) His or her ceasing to be a legally qualified elector of the  
22 district, county, city, town, or other municipal or quasi municipal  
23 corporation from which he or she shall have been elected or appointed;

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

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

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

31        (8) Whenever a judgment shall be obtained against that incumbent  
32 for breach of the condition of his or her official bond; or

33        (9) Whenever the incumbent files a declaration of candidacy for any  
34 public elective office, whether federal, state, or local, for a term  
35 which shall commence more than seventy-five days prior to the  
36 completion of the incumbent's current term of office.

1        NEW SECTION.    **Sec. 6.**    Sections 1, 2, and 4 of this act shall take  
2 effect December 2, 1993, if the proposed amendment to Article II,  
3 section 15 of the state Constitution, Senate Joint Resolution No. . . . ,  
4 modifying methods for filling vacancies in the legislature or county  
5 elective office, is validly submitted to and is approved and ratified  
6 by the voters at a general election held in November 1993.    If the  
7 proposed amendment is not so approved and ratified, sections 1, 2, and  
8 4 of this act shall be null and void in their entirety.

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