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SENATE BILL 5234

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Snyder, Gaspard, Wojahn, Bauer and Winsley

Read first time 01/18/93. Referred to Committee on Government Operations.

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 of state government or in any  
15 partisan county elective office before the fourth Tuesday prior to the  
16 primary for the next even-year general election following the  
17 occurrence of the vacancy, a successor shall be elected to that office  
18 at that general election. (~~(Except during the last year of the term of~~  
19 ~~office, if such a vacancy occurs on or after the fourth Tuesday prior~~  
20 ~~to the primary for that general election, the election of the successor~~  
21 ~~shall occur at the next succeeding general election.))~~ The elected  
22 successor shall hold office for the remainder of the unexpired term.

23 (2) If such a vacancy occurs after the date specified in subsection  
24 (1) of this section, an appointee shall hold office for the remainder  
25 of the unexpired term.

26 (3) This section shall not apply to any vacancy occurring in a  
27 charter county which has charter provisions inconsistent with this  
28 section.

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

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

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

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

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

7        Every elective office shall become vacant on the happening of any  
8 of the following events:

9        (1) The death of the incumbent;

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

12       (3) His or her removal;

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

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

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

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

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

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

29       NEW SECTION. **Sec. 6.** Sections 1, 2, and 4 of this act shall take  
30 effect December 2, 1993, if the proposed amendment to Article II,  
31 section 15 of the state Constitution, Senate Joint Resolution No. . . . ,  
32 modifying methods for filling vacancies in the legislature or county  
33 elective office, is validly submitted to and is approved and ratified  
34 by the voters at a general election held in November 1993. If the

1 proposed amendment is not so approved and ratified, sections 1, 2, and  
2 4 of this act shall be null and void in their entirety.

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