Chapter 42.12 RCW
VACANCIES

Sections

42.12.010 Causes of vacancy.
42.12.020 Resignations, to whom made.
42.12.030 Term of person elected to fill vacancy.
42.12.040 Vacancy in partisan elective office—Successor elected—When.
42.12.070 Filling nonpartisan vacancies.
42.12.080 Filling nonpartisan vacancies—Special purpose districts.

Apple commission, vacancies, how filled: RCW 15.24.050.

Attorney general, removal from office: State Constitution Art. 4 s 9.

Bond, failure to file additional bond causes vacancy: RCW 42.08.120.

City offices, vacancies, how filled
- *commission plan: RCW 35.17.020.*
- *council-manager plan*
  - *council: RCW 35.18.020.*
  - *optional municipal code: RCW 35A.13.020.*
- *mayor-council plan, optional municipal code: RCW 35A.12.050.*
- *second class: RCW 35.23.101.*

Congress, vacancies, how filled: RCW 29A.28.050.

County, township, precinct, or road district offices, vacancies, how filled: State Constitution Art. 11 s 6.

County annexation review board, vacancies: RCW 35A.14.170.

County clerk, failure to file new bond vacates office: RCW 36.23.020, 42.08.120.

County hospital board of trustees, vacancies, how filled: RCW 36.62.160.

County officers
- *conviction for taking illegal fees vacates office: RCW 36.18.180.*
- *vacancies: RCW 36.16.110, 36.16.115, 42.12.040.*

County treasurer, suspension for misconduct: RCW 36.29.090.

Educational service district superintendent: Chapter 28A.310 RCW.

Engineers and land surveyors' board of registration, vacancies on: RCW 18.43.030.

Fire protection district commissioners, vacancies: RCW 52.14.050.

Flood control districts, vacancies in governing board: RCW 85.38.070.

Fruit commission, vacancies, how filled: RCW 15.28.080.

Governor
appointive state office, vacancies in, filled by: RCW 43.06.090.
vacancy in office of: State Constitution Art. 3 s 10 (Amendment 6).

Horse racing commission, vacancies: RCW 67.16.012.

Impeachment: State Constitution Art. 5.

Irrigation district directors, vacancies, how filled: RCW 87.03.081, 87.04.020.

Joint legislative audit and review committee, vacancies, how filled: RCW 44.28.020.

Judges
removal from office: State Constitution Art. 4 s 9.
vacancies, how filled
court of appeals: RCW 2.06.080.
district court: RCW 3.34.100.
superior court: State Constitution Art. 4 s 5; RCW 2.08.069, 2.08.120.
supreme court: State Constitution Art. 4 s 3; RCW 2.04.100.

Judicial officer's absence from state as forfeiting office: State Constitution Art. 4 s 8.

Legislators, expulsion of member: State Constitution Art. 2 s 9.

Legislators, vacancies, how filled: State Constitution Art. 2 s 15 (Amendment 52), RCW 42.12.040.

Liquor and cannabis board, vacancies, how filled: RCW 66.08.014.

Militia, vacancies, how filled: RCW 38.12.095 through 38.12.115.

Mosquito control districts, vacancies in board of trustees: RCW 17.28.130.

Prosecuting attorney, removal from office: State Constitution Art. 4 s 9.

Public utility district commissioners, vacancies: RCW 54.12.010.

Recall proceedings, grounds: RCW 29A.56.110.

Reclamation district directors, vacancies: RCW 89.30.256.

Regional universities—Trustees, appointment, terms, quorum, vacancies: RCW 28B.35.100.

School directors in second and third-class districts, vacancies, how filled: RCW 28A.343.370.

State appointive office, vacancy in, how filled: State Constitution Art. 3 s 13; RCW 43.06.090.

State elective officers
recall: State Constitution Art. 1 s 33 (Amendment 8).
vacancy, successor elected: RCW 42.12.040.

State officers, removal from office: State Constitution Art. 5.

Statute law committee, vacancies, how filled: RCW 1.08.003.

The Evergreen State College—Trustees, appointment, terms, quorum, vacancies: RCW 28B.40.100.

United States senators, vacancies, how filled: RCW 29A.28.030.

University of Washington board of regents, vacancies, how filled: RCW 28B.20.100.

Utilities and transportation commission, vacancies, how filled: RCW 80.01.010.

Washington State University board of regents, vacancies: RCW 28B.30.100.

Water-sewer district commissioners, vacancies: RCW 57.12.020.

Weed district directors, vacancies, how filled: RCW 17.04.070.

RCW 42.12.010 Causes of vacancy. Every elective office shall become vacant on the happening of any of the following events:

(1) The death of the incumbent;

(2) The resignation of the incumbent. A vacancy caused by resignation shall be deemed to occur upon the effective date of the resignation;

(3) The removal of the incumbent;

(4) Except as provided in *RCW 3.46.067 and 3.50.057, the incumbent ceasing to be a legally registered voter of the district, county, city, town, or other municipal or quasi municipal corporation from which the incumbent shall have been elected or appointed, including where applicable the council district, commissioner district, or ward from which the incumbent shall have been elected or appointed;

(5) The incumbent's conviction of a felony, or of any offense involving a violation of the incumbent's official oath;

(6) The incumbent's refusal or neglect to take their oath of office, or to give or renew their official bond, or to deposit such oath or bond within the time prescribed by law;

(7) The decision of a competent tribunal declaring void the incumbent's election or appointment;

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

(9) Whenever an elected law enforcement official does not maintain certification as required under chapter 43.101 RCW, has been decertified pursuant to a final decision by the criminal justice

training commission under chapter 43.101 RCW or a final decision on appeal, or if the other requirements of RCW 36.28.025 have not been met or have not been complied with while in office. [2026 c 258 s 12; 1994 c 223 s 2; 1993 c 317 s 9; 1981 c 180 s 4; Code 1881 s 3063; 1866 p 28 s 2; RRS s 9950.]

***Reviser's note:** RCW 3.46.067 was repealed by 2008 c 227 s 12, effective July 1, 2008.

Findings—Intent—Effective date—2026 c 258: See notes following RCW 35.21.333.

Effective date—1994 c 223 s 2: "(1) Section 2 of this act shall take effect January 1, 1995.

(2) *Section 20 of this act shall take effect July 1, 1994." [1994 c 223 s 94.]

***Reviser's note:** The governor vetoed 1994 c 233 s 20.

Severability—Effective date—1993 c 317: See notes following RCW 3.50.810.

Severability—1981 c 180: See note following RCW 42.12.040.

RCW 42.12.020 Resignations, to whom made. Resignations shall be made as follows: By the state officers and members of the legislature, to the governor; by all county officers, to the county commissioners of their respective counties; by all other officers, holding their offices by appointment, to the body, board or officer that appointed them. [Code 1881 s 3062; 1865 p 28 s 1; RRS s 9949.]

Appointments to fill vacancies: State Constitution Art. 2 s 15 (Amendment 32).

RCW 42.12.030 Term of person elected to fill vacancy. Whenever any officer resigns his or her office before the expiration of his or her term, or the office becomes vacant from any other cause, and at a subsequent special election such vacancy is filled, the person so elected to fill such vacancy shall hold office for the remainder of the unexpired term. [2012 c 117 s 105; 1981 c 180 s 5; Code 1881 s 3066; 1866 p 30 s 6; RRS s 9951.]

Severability—1981 c 180: See note following RCW 42.12.040.

RCW 42.12.040 Vacancy in partisan elective office—Successor elected—When. (1) If a vacancy occurs in any partisan elective office in the executive or legislative branches of state government or in any partisan county elective office before the first day of the regular filing period, the position must be open for filing during the regular filing period as provided in RCW 29A.24.171 and a successor shall be elected at the general election. Except during the last year of the term of office, if such a vacancy occurs on or after the first day of the regular filing period, the election of the successor shall occur at the next succeeding general election as provided in RCW

29A.24.171. The elected successor shall hold office for the remainder of the unexpired term. This section shall not apply to any vacancy occurring in a charter county which has charter provisions inconsistent with this section.

(2) If a vacancy occurs in any legislative office or in any partisan county office after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified as defined in RCW 29A.04.133 and shall continue through the term for which he or she was elected. [2013 c 11 s 88; 2011 c 349 s 27. Prior: 2006 c 344 s 29; 2005 c 2 s 15 (Initiative Measure No. 872, approved November 2, 2004); 2003 c 238 s 4; 2002 c 108 s 2; 1981 c 180 s 1.]

Effective date—2011 c 349 ss 10-12, 27, 28, and 30: See note following RCW 29A.24.171.

Effective date—2006 c 344 ss 1-16 and 18-40: See note following RCW 29A.04.311.

Short title—Intent—Contingent effective date—2005 c 2 (Initiative Measure No. 872): See notes following RCW 29A.52.112.

Contingent effective date—2003 c 238: See note following RCW 36.16.110.

Severability—1981 c 180: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1981 c 180 s 6.]

County office, appointment of acting official: RCW 36.16.115.

RCW 42.12.070 Filling nonpartisan vacancies. A vacancy on an elected nonpartisan governing body of a qualifying special purpose district, a town, or a city other than a first-class city or a charter code city, shall be filled as follows unless the provisions of law relating to the qualifying special purpose district, town, or city provide otherwise:

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

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

(3) If less than two members of a governing body remain in office, the county legislative authority of the county in which all or the largest geographic portion of the city, town, or qualifying special purpose district is located shall appoint a qualified person

or persons to the governing body until the governing body has two members.

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

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

(6) As provided in chapter 29A.24 RCW, each person who is appointed shall serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.

(7) For purposes of this section, "qualifying special purpose district" means a fire protection district created under chapter 52.02 RCW with assessed values under $5,000,000,000 and a regional fire protection service authority created under chapter 52.26 RCW with assessed values under $5,000,000,000. [2023 c 369 s 1; 2013 c 11 s 89; 2011 c 349 s 28; 1994 c 223 s 1.]

Effective date—2011 c 349 ss 10-12, 27, 28, and 30: See note following RCW 29A.24.171.

RCW 42.12.080 Filling nonpartisan vacancies—Special purpose districts. A vacancy on an elected nonpartisan governing body of a special purpose district where property ownership is not a qualification to vote or that is not a qualifying special purpose district defined in RCW 42.12.070, shall be filled as follows unless the provisions of law relating to the special purpose district provide otherwise:

(1) After a vacancy occurs, the remaining members of the governing body must nominate at least one candidate at a meeting of the governing body. The governing body must then cause notice of the vacancy and the name of the nominated candidate or candidates to be posted in three public places in the special purpose district, including on the district's website if the district has a website, for a minimum of 15 days. During the notice period, registered voters who reside in the special purpose district may submit nominations to the remaining members of the governing body.

(2) After the notice period described in subsection (1) of this section, the remaining members of the governing body shall appoint a qualified person to fill the vacant position from the candidates nominated by either the governing body or the public at a meeting of the governing body.

(3) Where two or more positions are vacant and two or more members of the governing body remain in office, the remaining members of the governing body shall appoint a qualified person to fill one of the vacant positions under the nomination process described in subsection (1) of this section, the remaining members of the governing body and the newly appointed person shall appoint another qualified person to fill another vacant position under the nomination process described in subsection (1) of this section, and so on until each of the vacant positions is filled with each of the new appointees participating in each appointment that is made after his or her appointment.

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

(5) If a governing body fails to appoint a qualified person to fill a vacancy within 90 days of the occurrence of the vacancy, the authority of the governing body to fill the vacancy shall cease and the county legislative authority of the county in which all or the largest geographic portion of the special purpose district is located shall appoint a qualified person to fill the vacancy.

(6) If the county legislative authority of the county fails to appoint a qualified person within 180 days of the occurrence of the vacancy, the county legislative authority or the remaining members of the governing body of the special purpose district may petition the governor to appoint a qualified person to fill the vacancy. The governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the governor fills the vacancy the county legislative authority has not appointed a qualified person to fill the vacancy.

(7) As provided in chapter 29A.24 RCW, each person who is appointed shall serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected. The person elected shall take office immediately and serve the remainder of the unexpired term. [2023 c 369 s 2.]