

---

**SENATE BILL 5437**

---

**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators MacEwen and Hunt

1 AN ACT Relating to vacancies of the governing body of special  
2 purpose districts; amending RCW 42.12.070, 43.06.010, and 70.44.056;  
3 and adding a new section to chapter 42.12 RCW.

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

5 **Sec. 1.** RCW 42.12.070 and 2013 c 11 s 89 are each amended to  
6 read as follows:

7 A vacancy on an elected nonpartisan governing body of a (~~special~~  
8 ~~purpose district where property ownership is not a qualification to~~  
9 ~~vote,~~ a)) town((~~r~~)) or a city other than a first-class city or a  
10 charter code city, shall be filled as follows unless the provisions  
11 of law relating to the (~~special district,~~) town((~~r~~)) or city  
12 provide otherwise:

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

16 (2) Where two or more positions are vacant and two or more  
17 members of the governing body remain in office, the remaining members  
18 of the governing body shall appoint a qualified person to fill one of  
19 the vacant positions, the remaining members of the governing body and  
20 the newly appointed person shall appoint another qualified person to  
21 fill another vacant position, and so on until each of the vacant

1 positions is filled with each of the new appointees participating in  
2 each appointment that is made after his or her appointment.

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

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

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

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

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

32 A vacancy on an elected nonpartisan governing body of a special  
33 purpose district where property ownership is not a qualification to  
34 vote, shall be filled as follows unless the provisions of law  
35 relating to the special district provide otherwise:

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

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

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

14           (4) After a vacancy occurs, the remaining members of the  
15 governing body must nominate at least two candidates at a meeting of  
16 the governing body. The governing body must cause notice of the  
17 vacancy and the names of the nominated candidates to be posted in  
18 three public places in the special purpose district, including on the  
19 district's website if the district has a website, for a minimum of 15  
20 days. During the notice period, registered voters who reside in the  
21 special purpose district may submit nominations to the remaining  
22 members of the governing body. After the notice period, the remaining  
23 members of the governing body shall appoint a qualified person or  
24 persons from the nominations to the governing body at a meeting of  
25 the governing body.

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

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

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

6 **Sec. 3.** RCW 43.06.010 and 2014 c 202 s 305 are each amended to  
7 read as follows:

8 In addition to those prescribed by the Constitution, the governor  
9 may exercise the powers and perform the duties prescribed in this and  
10 the following sections:

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

13 (2) The governor shall see that all offices are filled, including  
14 as provided in RCW 42.12.070 and section 2 of this act, and the  
15 duties thereof performed, or in default thereof, apply such remedy as  
16 the law allows; and if the remedy is imperfect, acquaint the  
17 legislature therewith at its next session;

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

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

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

29 (6) The governor may require the attorney general or any  
30 prosecuting attorney to inquire into the affairs or management of any  
31 corporation existing under the laws of this state, or doing business  
32 in this state, and report the same to the governor, or to any grand  
33 jury designated by the governor, or to the legislature when next in  
34 session;

35 (7) The governor may require the attorney general to aid any  
36 prosecuting attorney in the discharge of the prosecutor's duties;

37 (8) The governor may offer rewards, not exceeding one thousand  
38 dollars in each case, payable out of the state treasury, for  
39 information leading to the apprehension of any person convicted of a

1 felony who has escaped from a state correctional institution or for  
2 information leading to the arrest of any person who has committed or  
3 is charged with the commission of a felony;

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

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

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

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

16 (13) The governor may, after finding that there exists within  
17 this state an imminent danger of infestation of plant pests as  
18 defined in RCW 17.24.007 or plant diseases which seriously endangers  
19 the agricultural or horticultural industries of the state of  
20 Washington, or which seriously threatens life, health, or economic  
21 well-being, order emergency measures to prevent or abate the  
22 infestation or disease situation, which measures, after thorough  
23 evaluation of all other alternatives, may include the aerial  
24 application of pesticides;

25 (14) The governor, after finding that a prohibited level 1 or  
26 level 2 species as defined in chapter 77.135 RCW has been detected  
27 and after finding that the detected species seriously endangers or  
28 threatens the environment, economy, human health, or well-being of  
29 the state of Washington, may order emergency measures to prevent or  
30 abate the prohibited species, which measures, after thorough  
31 evaluation of all other alternatives, may include the surface or  
32 aerial application of pesticides;

33 (15) On all compacts forwarded to the governor pursuant to RCW  
34 9.46.360(6), the governor is authorized and empowered to execute on  
35 behalf of the state compacts with federally recognized Indian tribes  
36 in the state of Washington pursuant to the federal Indian Gaming  
37 Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III  
38 gaming, as defined in the Act, on Indian lands.

1       **Sec. 4.** RCW 70.44.056 and 2015 c 53 s 94 are each amended to  
2 read as follows:

3       In all existing public hospital districts in which an increase in  
4 the number of district commissioners is proposed, the additional  
5 commissioner positions shall be deemed to be vacant and the board of  
6 commissioners of the public hospital district shall appoint qualified  
7 persons to fill those vacancies in accordance with ((~~RCW 42.12.070~~))  
8 section 2 of this act.

9       Each person who is appointed shall serve until a qualified person  
10 is elected at the next general election of the district occurring one  
11 hundred twenty days or more after the date of the election at which  
12 the voters of the district approved the ballot proposition  
13 authorizing the increase in the number of commissioners. If needed,  
14 special filing periods shall be authorized as provided in RCW  
15 29A.24.171 and 29A.24.181 for qualified persons to file for the  
16 vacant office. A primary shall be held to nominate candidates if  
17 sufficient time exists to hold a primary and more than two candidates  
18 file for the vacant office. Otherwise, no primary shall be held and  
19 the candidate receiving the greatest number of votes for each  
20 position shall be elected. Except for the initial terms of office,  
21 persons elected to each of these additional commissioner positions  
22 shall be elected to a six-year term. The newly elected commissioners  
23 shall assume office as provided in RCW 29A.60.280.

24       The initial terms of the new commissioners shall be staggered as  
25 follows: (1) When the number of commissioners is increased from three  
26 to five, the person elected receiving the greatest number of votes  
27 shall be elected to a six-year term of office, and the other person  
28 shall be elected to a four-year term; (2) when the number of  
29 commissioners is increased from three or five to seven, the terms of  
30 the new commissioners shall be staggered over the next three district  
31 general elections so that two commissioners will be elected at the  
32 first district general election following the election where the  
33 additional commissioners are elected, two commissioners will be at  
34 the second district general election after the election of the  
35 additional commissioners, and three commissioners will be elected at  
36 the third district general election following the election of the  
37 additional commissioners, with the persons elected receiving the  
38 greatest number of votes elected to serve the longest terms.

--- END ---