

NEW SECTION. Sec. 11. If any provision of this 1979 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.

Passed the House April 23, 1979.
Passed the Senate April 11, 1979.
Approved by the Governor May 2, 1979.
Filed in Office of Secretary of State May 2, 1979.

CHAPTER 125

[House Bill No. 989]

PUBLIC SERVICE COMPANIES—UTILITY FACILITY LEASES—FEDERAL
HOLDING COMPANY LAW EXEMPTION

AN ACT Relating to the powers and duties of the utilities and transportation commission; and adding a new section to chapter 80.04 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 80.04 RCW a new section to read as follows:

In addition to any other powers and duties under this chapter, the commission shall have the authority to authorize and approve the terms of any lease of utility facilities by a public service company, as lessee, if the public service company makes proper application to the commission certifying that such authorization or approval is necessary or appropriate to exempt any owner of the facilities from being a public utility company under the federal Public Utility Holding Company Act of 1935.

Passed the House March 21, 1979.
Passed the Senate April 18, 1979.
Approved by the Governor May 2, 1979.
Filed in Office of Secretary of State May 2, 1979.

CHAPTER 126

[Substitute House Bill No. 57]

LOCAL OFFICIALS—ELECTION OF

AN ACT Relating to local government; amending section 3, chapter 114, Laws of 1951 and RCW 14.08.304; amending section 28A.57.312, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 43, Laws of 1975 and RCW 28A.57.312; amending section 5, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.328; amending section 3, chapter 67, Laws of 1971 as amended by section 102, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.355; amending section 6, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.356; amending section 7, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.357; amending section 8, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.358; amending section 29.13.021, chapter 9, Laws of 1965 and RCW 29.13.021; amending section 29.13.023, chapter 9, Laws of 1965 and

RCW 29.13.023; amending section 29.13.024, chapter 9, Laws of 1965 and RCW 29.13.024; amending section 29.13.025, chapter 9, Laws of 1965 and RCW 29.13.025; amending section 29.13.050, chapter 9, Laws of 1965 as amended by section 6, chapter 123, Laws of 1965 and RCW 29.13.050; amending section 29.13.060, chapter 9, Laws of 1965 and RCW 29.13.060; amending section 35.03.040, chapter 7, Laws of 1965 as amended by section 4, chapter 270, Laws of 1969 ex. sess. and RCW 35.03.040; amending section 35.17.020, chapter 7, Laws of 1965 and RCW 35.17.020; amending section 35.17.400, chapter 7, Laws of 1965 and RCW 35.17.400; amending section 35.18.020, chapter 7, Laws of 1965 and RCW 35.18.020; amending section 35.18.270, chapter 7, Laws of 1965 and RCW 35.18.270; amending section 35.23.040, chapter 7, Laws of 1965 and RCW 35.23.040; amending section 35.24.050, chapter 7, Laws of 1965 as amended by section 2, chapter 116, Laws of 1969 and RCW 35.24.050; amending section 35.27.090, chapter 7, Laws of 1965 and RCW 35.27.090; amending section 35.61.050, chapter 7, Laws of 1965 and RCW 35.61.050; amending section 35A.29.090, chapter 119, Laws of 1967 ex. sess. and RCW 35A.29.090; amending section 36.16.020, chapter 4, Laws of 1963 and RCW 36.16.020; amending section 36.32.030, chapter 4, Laws of 1963 and RCW 36.32.030; amending section 36.69.070, chapter 4, Laws of 1963 and RCW 36.69.070; amending section 36.69.080, chapter 4, Laws of 1963 and RCW 36.69.080; amending section 36.69.090, chapter 4, Laws of 1963 as amended by section 18, chapter 200, Laws of 1963 and RCW 36.69.090; amending section 22, chapter 34, Laws of 1939 as last amended by section 1, chapter 86, Laws of 1973 and RCW 52.12.010; amending section 23, chapter 34, Laws of 1939 and RCW 52.12.020; amending section 27, chapter 34, Laws of 1939 and RCW 52.12.060; amending section 2, chapter 68, Laws of 1951 and RCW 53.12.172; amending section 2, chapter 113, Laws of 1925 ex. sess. as amended by section 2, chapter 45, Laws of 1941 and RCW 53.12.220; amending section 5, chapter 207, Laws of 1951 and RCW 54.08.060; amending section 4, chapter 1, Laws of 1931 as last amended by section 8, chapter 36, Laws of 1977 ex. sess. and RCW 54.12.010; amending section 1, chapter 110, Laws of 1953 as last amended by section 17, chapter 200, Laws of 1963 and RCW 56.12.020; amending section 4, chapter 18, Laws of 1959 and RCW 57.12.030; amending section 14, chapter 6, Laws of 1947 and RCW 68.16.140; amending section 5, chapter 264, Laws of 1945 as last amended by section 1, chapter 11, Laws of 1957 and RCW 70.44.040; adding a new section to chapter 29.01 RCW; adding a new section to chapter 29.04 RCW; adding a new section to chapter 42.17 RCW; repealing section 34, chapter 43, Laws of 1975 and RCW 28A.57.329; and repealing section 3, chapter 113, Laws of 1925 ex. sess. and RCW 53.12.240.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 29.04 RCW a new section to read as follows:

(1) The legislature finds that certain laws are in conflict governing the election of various local officials. The purpose of this legislation is to provide a common date for the assumption of office for all the elected officials of counties, cities, towns, and special purpose districts where the ownership of property is not a prerequisite of voting. It is also the purpose of this legislation to remove these conflicts and delete old statutory language concerning such elections which is no longer necessary.

(2) For elective offices of counties, cities, towns, and special purpose districts where the ownership of property is not a prerequisite of voting, the term of incumbents shall end and the term of successors shall begin after the successor is elected and qualified, and the term shall commence immediately after December 31st following the election, except as follows:

(a) Where the term of office varies from this standard according to statute; and

(b) If the election results have not been certified prior to January 1st after the election, in which event the time of commencement for the new term shall occur when the successor becomes qualified in accordance with section 2 of this act.

(3) For elective offices governed by this section, the oath of office shall be taken as the last step of qualification as defined in section 2 of this act but may be taken either:

(a) Up to ten days prior to the scheduled date of assuming office; or

(b) At the last regular meeting of the governing body of the applicable county, city, town, or special district held before the winner is to assume office.

NEW SECTION. Sec. 2. There is added to chapter 29.01 RCW a new section to read as follows:

"Qualified" when pertaining to a winner of an election means that for such election:

(1) The results have been certified;

(2) A certificate has been issued;

(3) Any required bond has been posted; and

(4) The winner has taken and subscribed an oath or affirmation in compliance with the appropriate statute, or if none is specified, that he or she will faithfully and impartially discharge the duties of the office to the best of his or her ability. This oath or affirmation shall be administered and certified by any officer or notary public authorized to administer oaths, without charge therefor.

Sec. 3. Section 3, chapter 114, Laws of 1951 and RCW 14.08.304 are each amended to read as follows:

The board of airport district commissioners shall consist of three members, who shall each be a registered voter and actually a resident of the district. The first commissioners shall be appointed by the ~~((board of county commissioners))~~ county legislative authority. At the next general district election, held as provided in RCW 29.13.020, three airport district commissioners shall be elected. The term of office of airport district commissioners shall be two years, or until their successors are elected and qualified and have assumed office in accordance with section 1 of this act. Members of the board of airport district commissioners shall be elected at each regular general election on a nonpartisan basis. They shall be nominated by petition of ten registered voters of the district. ~~((The elected members of the board of airport district commissioners shall take office as soon as they have been certified as elected by the election board.))~~ Vacancies on the board of airport district commissioners shall be filled by appointment by the remaining commissioners. Members of the board of airport district commissioners shall receive no compensation for their services, but shall be reimbursed for actual necessary traveling and sustenance expenses incurred while engaged on official business.

Sec. 4. Section 28A.57.312, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 43, Laws of 1975 and RCW 28A.57.312 are each amended to read as follows:

The governing board of a school district shall be known as the board of directors of the district.

Unless otherwise specifically provided, as in RCW 29.13.060, each member((s)) of a board of directors shall be elected by ballot by the registered voters of the school district and shall hold office for a term of four years and until ((their)) a successor((s-are)) is elected ((and)), qualified, and begins his or her term in accordance with section 1 of this act. Terms of school directors shall be staggered, and insofar as possible, not more than a majority of one shall be elected to full terms at any regular election. In case a member or members of a board of directors are to be elected to fill an unexpired term or terms, the ballot shall specify the term for which each such member is to be elected.

Except for a school district of the first class having an enrollment of fifty thousand pupils or more in class AA counties which shall have a board of directors of seven members, the board of directors of every school district of the first class or school district of the second class shall consist of five members.

Sec. 5. Section 5, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.328 are each amended to read as follows:

Upon the establishment of a new school district of the second class, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in any such new second class school district, they shall become directors of said district, and the educational service district board shall appoint the number of additional directors required to constitute a board of five directors for the new second class district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than five in a second class district, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of other districts of the same class ~~((and the directors thereof shall serve until the regular school election following the next regular school election in the district at which election their successors shall be elected and qualified))~~. Each initial director shall hold office until his successor is elected and qualified in accordance with section 1 of this act: PROVIDED, That the election of the successor shall be held during the second district general election after the initial directors have assumed office. At such election, no more than five directors

shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. Directors thereafter elected and qualified shall serve such terms as provided for in RCW 28A.57.312, as now or hereafter amended.

Sec. 6. Section 3, chapter 67, Laws of 1971 as amended by section 102, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.355 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.57.342 containing no former first class district, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in such new district, they shall become directors of said district and the educational service district board shall appoint the number of additional directors to constitute a board of five directors for the district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified and assume office in accordance with section 1 of this act. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: **PROVIDED**, That if such first class district is in a class AA or class A county and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

Sec. 7. Section 6, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.356 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.57.342, as now or hereafter amended, containing only one former first class district, the directors of the former first class district and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers

and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified and then assume office in accordance with section 1 of this act. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first class district is in a class AA or class A county and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

Sec. 8. Section 7, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.357 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.57.342, as now or hereafter amended, containing more than one former first class district, the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all of the powers and authority conferred by law upon boards of first class districts until the next regular school election and until their successors are elected and qualified and then assume office in accordance with section 1 of this act. At such election other than districts electing directors for six-year terms as provided in RCW 29.13.060, five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. At such election for districts electing directors for six years other than districts having an enrollment of fifty thousand pupils or more and electing directors for six year terms, five directors shall be elected either at large or by director districts, as the case may be, one for a term of two years, two for a term of four years, and two for a term of six years.

Sec. 9. Section 8, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.358 are each amended to read as follows:

Upon the establishment of a new school district of the first class having an enrollment of fifty thousand pupils or more in class AA counties, the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the

board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and duties conferred by law upon boards of first class districts, until the next regular school election and until their successors are elected and qualified and then assume office in accordance with section 1 of this act. Such duties shall include establishment of new director districts as provided for in RCW 28A.57.425. At the next regular school election seven directors shall be elected by director districts, two for a term of two years, two for a term of four years and three for a term of six years. Thereafter their terms shall be as provided in RCW 29.13.060.

Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Sec. 10. Section 29.13.021, chapter 9, Laws of 1965 and RCW 29.13.021 are each amended to read as follows:

All regular elections in cities of the first class under a commission form of government whose charters provide that elections shall be held triennially, shall hereafter be held quadrennially and shall be held on the Tuesday following the first Monday in November in the odd-numbered years: PROVIDED, That no such regular city election shall be held under the provisions of this 1963 amendatory section until the Tuesday after the first Monday in November, 1969. The elections to be held in such cities in 1964 under existing law shall be conducted at the time and in the manner as though the provisions of the 1963 elections act had not been enacted. All city officials elected in 1964, or thereafter, shall be elected for terms of four years and until their successors are elected and qualified (~~((under the provisions of the 1963 elections act))~~) and then assume office in accordance with section 1 of this act.

Sec. 11. Section 29.13.023, chapter 9, Laws of 1965 and RCW 29.13.023 are each amended to read as follows:

All regular elections in first class cities having a mayor-council form of government whose charters provide for twelve councilmen elected for a term of two years, two being elected from each of six wards, and for the election of a mayor, treasurer, and comptroller for terms of two years, shall be held biennially (~~(, and shall be held on the Tuesday following the first Monday in November in the odd-numbered years except)~~) as provided in RCW 29.13.020 (~~((and 29.13.030))~~). The term of each councilman, mayor, treasurer, and comptroller shall be four years and until (~~(their)~~) his or her successor((s are)) is elected and qualified and assumes office in accordance with section

1 of this act. The terms of the councilmen shall be so staggered that six councilmen shall be elected to office at each regular election.

Sec. 12. Section 29.13.024, chapter 9, Laws of 1965 and RCW 29.13-.024 are each amended to read as follows:

All regular elections in first class cities having a mayor-council form of government whose charters provide for seven councilmen, one to be elected from each of six wards and one at large, for a term of two years, and for the election of a mayor, comptroller, treasurer and attorney for two year terms, shall be held ~~((on the Tuesday following the first Monday in November on the odd-numbered years except))~~ biennially as provided in RCW 29.13.020 ~~((and 29.13.030))~~. The terms of the six councilmen to be elected by wards shall be four years and until their successors are elected and qualified and the term of the councilman to be elected at large shall be two years and until their successors are elected and qualified. The terms of the councilmen shall be so staggered that three ward councilmen and the councilman at large shall be elected at each regular election. The term of the mayor, attorney, treasurer, and comptroller shall be four years and until their successors are elected and qualified and assume office in accordance with section 1 of this act.

Sec. 13. Section 29.13.025, chapter 9, Laws of 1965 and RCW 29.13-.025 are each amended to read as follows:

For the purposes of RCW 29.13.020, ~~((29.13.030;))~~ 29.13.040, 29.21-.060, 29.24.110, 29.27.040 and 29.27.080, "class A county" shall include counties of higher classification whenever such class or classes shall be established.

Sec. 14. Section 29.13.050, chapter 9, Laws of 1965 as amended by section 6, chapter 123, Laws of 1965 and RCW 29.13.050 are each amended to read as follows:

The term of every city, town, and district officer elected to office on the first Tuesday following the first Monday in November of the odd-numbered years shall begin ~~((as of noon on the second Monday in January following his election))~~ in accordance with section 1 of this act: PROVIDED, That ~~((school directors and))~~ any person elected to less than a full term shall assume office as soon as the election returns have been certified and he or she is qualified in accordance with section 2 of this act.

~~((Persons elected to office at the first regular elections held under the provisions of the 1963 elections act as amended shall assume office as soon as the election returns have been certified:))~~

Each board of directors of every district shall be organized at the first meeting held after one or more newly elected directors take office.

Sec. 15. Section 29.13.060, chapter 9, Laws of 1965 and RCW 29.13-.060 are each amended to read as follows:

In class AA and class A counties, first class school districts containing a city of the first class shall hold their elections biennially ~~((on the Tuesday following the first Monday in November of each odd-numbered year))~~ as provided in RCW 29.13.020.

The directors to be elected shall be elected for terms of six years and until their successors are elected and qualified and assume office in accordance with section 1 of this act.

Sec. 16. Section 35.03.040, chapter 7, Laws of 1965 as amended by section 4, chapter 270, Laws of 1969 ex. sess. and RCW 35.03.040 are each amended to read as follows:

The fifteen freeholders receiving the highest number of votes at such election shall be certified by the county auditor as elected as freeholders to form a charter for said city provided a majority of those voting at the election referred to in RCW 35.03.030 vote in favor of incorporation. It shall be the duty of the persons so elected to convene within ten days after their election and frame a charter for said city, and within sixty days thereafter they, or a majority of their number, shall submit such charter to the ~~((board of county commissioners))~~ county legislative authority which shall within ninety days thereafter cause another election to be called and held in said city and to be conducted in the manner required for the calling of a special election in Title 29 RCW, as now or hereafter amended, except as otherwise provided in this chapter, and in conformity with Article 11, section 10 of the Constitution, for the purpose of submitting said charter to the qualified electors of said city and for the election of the various elective officials to the respective offices named in said charter. The form of ballot at such election shall be "for proposed charter," "against proposed charter," and the names of the candidates for the respective offices named in said proposed charter. At the first election of officials for said city any qualified elector of said city may become a candidate for any of the elective offices set forth in such proposed charter without nomination by filing with the proper election officials of the county a declaration in writing that he desires to be a candidate for a particular office (naming it), such declaration to be filed not earlier than sixty nor later than thirty days prior to such election. Candidates for council positions shall file for a numbered position as provided by RCW 29.21.017. The candidates receiving the highest number of votes for the respective offices shall be declared elected to such office and the county auditor shall issue a certificate of such election. The newly elected officials shall assume office when qualified in accordance with section 2 of this act. After the first election the nomination and election of officials for said city shall be as prescribed in the charter adopted by the people and the laws of the state. No person shall be entitled to vote at such election unless he shall be a qualified elector of said city and shall have resided within the limits of said city for at least thirty days preceding such election. If a majority of all the votes cast on the proposed charter are not

in favor of the proposed charter, no further proceeding shall be had on the petition for incorporation filed pursuant to RCW 35.03.020, but this shall not bar any new proceeding for such purpose.

Sec. 17. Section 35.17.020, chapter 7, Laws of 1965 and RCW 35.17-.020 are each amended to read as follows:

All regular elections in cities organized under the statutory commission form of government shall be held quadrennially (~~and, shall be held on the Tuesday following the first Monday in November~~) in the odd-numbered years(~~(, except as)~~) on the dates provided in RCW 29.13.020 (~~and 29.13-030~~). The commissioners shall be nominated and elected at large. Their terms shall be for four years and until their successors are elected and qualified and assume office in accordance with section 1 of this act. If a vacancy occurs in the commission the remaining members shall appoint a person to fill it for the unexpired term.

Sec. 18. Section 35.17.400, chapter 7, Laws of 1965 and RCW 35.17-.400 are each amended to read as follows:

The first election of commissioners shall be held within sixty days after the adoption of the proposition to organize under the commission form, and the commission first elected shall commence to serve as soon as they have been elected and have qualified and shall continue to serve until their successors have been elected and qualified and have assumed office in accordance with section 1 of this act. The date of the second election for commissioners shall be in accordance with RCW 29.13.020 such that the term of the first commissioners will be as near as possible to, but not in excess of, four years.

Sec. 19. Section 35.18.020, chapter 7, Laws of 1965 and RCW 35.18-.020 are each amended to read as follows:

(1) The number of councilmen shall be in proportion to the population of the city or town indicated in its petition for incorporation and thereafter shall be in proportion to its population as last determined by the state census board as follows:

~~((1))~~ (a) A city or town having not more than two thousand inhabitants, five councilmen;

~~((2))~~ (b) A city having more than two thousand, seven councilmen.

(2) All councilmen shall be elected at large or from such wards or districts as may be established by ordinance, and shall serve for a term of four years and until their successors are elected and qualified and assume office in accordance with section 1 of this act: PROVIDED, HOWEVER, That at the first general municipal election held in the city in accordance with RCW 29.13.020, after the election approving the council-manager plan, the following shall apply:

(a) ~~((At the first election,))~~ One councilman shall be nominated and elected from each ward or such other existing district of said city as may

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

(b) In cities electing five councilmen, the candidates having the three highest number of votes shall be elected for a four year term and the other two for a two year term commencing immediately when qualified in accordance with section 2 of this act and continuing until their successors are elected and qualified and have assumed office in accordance with section 1 of this act.

(c) In cities electing seven councilmen, the candidates having the four highest number of votes shall be elected for a four year term and the other three for a two year term commencing immediately when qualified in accordance with section 2 of this act and continuing until their successors are elected and qualified and have assumed office in accordance with section 1 of this act.

(d) In determining the candidates receiving the highest number of votes, only the candidate receiving the highest number of votes in each ward, as well as the councilman-at-large or councilmen-at-large, are to be considered.

(3) When a municipality has qualified for an increase in the number of councilmen from five to seven by virtue of the next succeeding ~~((state census board))~~ population determination made by the office of financial management after the majority of the voters thereof have approved operation under the council-manager plan, at the first election when two additional councilmen are to be elected, one of the two additional councilmen receiving the highest number of votes shall be elected for a four year term and the other additional councilman shall be elected for a two year term. The terms of the two additional councilmen shall commence immediately when qualified in accordance with section 2 of this act.

~~((If a vacancy in the council occurs, the remaining members shall appoint a person to fill such office only until the next regular general municipal election at which a person shall be elected to serve for the remainder of the unexpired term:))~~

(4) In the event such population determination as provided in subsection (3) of this section requires an increase in the number of councilmen, the city or town council shall fill the additional councilmanic positions by appointment not later than thirty days following the release of said population determination, and the appointee shall hold office only until the next regular city or town election at which a person shall be elected to serve for the remainder of the unexpired term~~((: PROVIDED, That should said))~~. In the event such population determination results in a decrease in the number of councilmen, said decrease shall not take effect until the next regular city or town election: PROVIDED, That the council shall by ordinance indicate

which, if any, of the remaining positions shall be elected at-large or from wards or districts.

(5) If a vacancy in the council occurs, the remaining members shall appoint a person to fill such office only until the next regular general municipal election at which a person shall be elected to serve for the remainder of the unexpired term.

Sec. 20. Section 35.18.270, chapter 7, Laws of 1965 and RCW 35.18-.270 are each amended to read as follows:

If the majority of the votes cast at a special election for organization on the council-manager plan favor the plan, the city or town at its next regular election shall elect the council required under the council-manager plan in number according to the population of the municipality: PROVIDED, That if the date of the next municipal general election is more than one year from the date of the election approving the council-manager plan, a special election shall be held to elect the councilmen; the newly elected councilmen shall assume office immediately when they are qualified in accordance with section 2 of this act following the canvass of votes as certified and shall remain in office until their successors are elected (~~(and qualified)~~) at the next general municipal election: PROVIDED, That such successor shall hold office for staggered terms as provided in RCW 35.18.020 as now or hereafter amended. Councilmen shall take office at the time provided by general law. Declarations of candidacy for city or town elective positions under the council-manager plan for cities and towns shall be filed with the (~~(city or town clerk)~~) county auditor as the case may be not more than forty-five nor less than thirty days prior to said special election to elect the members of the city council. Any candidate may file a written declaration of withdrawal at any time within five days after the last day for filing a declaration of candidacy. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in group under the designation of the title of the offices for which they are candidates. There shall be no rotation of names.

Sec. 21. Section 35.23.040, chapter 7, Laws of 1965 and RCW 35.23-.040 are each amended to read as follows:

A general municipal election shall be held biennially in second class cities not operating under the commission form of government (~~(and shall be held on the Tuesday following the first Monday in November of)~~) in each odd-numbered year(~~(, except)~~) as provided in RCW 29.13.020 (~~(and 29.13.030)~~).

The term of office of mayor, city clerk, city treasurer and councilmen in such cities shall be four years, and until their successors are elected and qualified and assume office in accordance with section 1 of this act, but not more than six councilmen shall be elected in any one year to fill a full term. The term of office of police judge shall be two years and until his successor is elected and qualified and assumes office in accordance with section 1 of this act.

Sec. 22. Section 35.24.050, chapter 7, Laws of 1965 as amended by section 2, chapter 116, Laws of 1969 and RCW 35.24.050 are each amended to read as follows:

General municipal elections in third class cities not operating under the commission form of government shall be held biennially(~~(, and, shall be held on the Tuesday following the first Monday in November)~~) in the odd-numbered years(~~(, except)~~) as provided in RCW 29.13.020 (~~(and 29.13.030)~~). The term of office of the mayor, city attorney, clerk, and treasurer shall be four years and until their successors are elected and qualified and assume office in accordance with section 1 of this act: **PROVIDED**, That if the offices of city attorney, clerk, and treasurer are made appointive, the city attorney, clerk, and treasurer shall not be appointed for a definite term: **PROVIDED FURTHER**, That the term of the elected treasurer shall not commence in the same biennium in which the term of the mayor commences, nor in which the terms of the city attorney and clerk commence if they are elected.

A councilman-at-large shall be elected biennially for a two-year term and until ~~((their))~~ his or her successor~~((s are))~~ is elected and qualified~~((;))~~ and assumes office in accordance with section 1 of this act. Of the other six councilmen, three shall be elected ~~((biennially as the terms of their predecessors expire))~~ in each biennial general municipal election for terms of four years and until their successors are elected and qualified and assume office in accordance with section 1 of this act.

Sec. 23. Section 35.27.090, chapter 7, Laws of 1965 and RCW 35.27.090 are each amended to read as follows:

All general municipal elections in towns shall be held biennially(~~(, irrespective of the form of government, on the Tuesday following the first Monday in November)~~) in the odd-numbered years(~~(, except)~~) as provided in RCW 29.13.020 (~~(and 29.13.030)~~). The term of office of the mayor and treasurer shall be four years and until their successors are elected and qualified and assume office in accordance with section 1 of this act: **PROVIDED**, That the term of the treasurer shall not commence in the same biennium in which the term of the mayor commences. Councilmen shall be elected for four year terms and until their successors are elected and qualified and assume office in accordance with section 1 of this act; three at one election and two at the next succeeding biennial election.

Sec. 24. Section 35.61.050, chapter 7, Laws of 1965 and RCW 35.61.050 are each amended to read as follows:

At the same election at which the proposition is submitted to the voters as to whether a metropolitan park district is to be formed, five park commissioners shall be elected to hold office respectively for the following terms: ~~((In cities of the first class holding general elections for mayor biennially, one commissioner shall be elected to hold office for two years and two for four years and two for six years and their respective successors shall be~~

~~ected at each biennial election for a term of six years and until their respective successors are elected and qualified. In cities of the first class holding elections every three years two commissioners shall be elected for three years and three commissioners shall be elected for six years and thereafter two and three commissioners, respectively, shall be elected at each general election for a term of six years and until their respective successors are elected and qualified))~~ Where the election is held in an odd-numbered year, one commissioner shall be elected to hold office for two years, two shall be elected to hold office for four years, and two shall be elected to hold office for six years. Where the election is held in an even-numbered year, one commissioner shall hold office for three years, two shall hold office for five years, and two shall hold office for seven years. The initial commissioners shall take office immediately when they are elected and qualified, and for purposes of computing their terms of office the terms shall be assumed to commence on the first day of January of the year they are elected. The term of each nominee for park commissioner shall be expressed on the ballot. Thereafter, all commissioners shall serve six-year terms of office and until their respective successors are elected and qualified and assume office in accordance with section 1 of this act. Vacancies shall be filled by majority action of the remaining commissioners appointing a voter to fill the remainder of the term of the vacant commissioner position.

Sec. 25. Section 35A.29.090, chapter 119, Laws of 1967 ex. sess. and RCW 35A.29.090 are each amended to read as follows:

Except as otherwise provided in RCW 35A.03.130, 35A.04.140, 35A.05.110, and 35A.08.110, the term of every code city officer elected to office ~~((on the first Tuesday following the first Monday in November of the odd-numbered years))~~ in a general municipal election as provided in RCW 29.13.020 shall begin ((as of noon on the second Monday in January following his election)) when qualified and in accordance with section 1 of this act: PROVIDED, That any person elected to less than a full term shall assume office as soon as the election returns are certified and they are qualified in accordance with section 2 of this act, unless otherwise provided in this title: PROVIDED FURTHER, That when not otherwise provided for in this title the term of officers elected at a special election shall begin on the first Monday following the certification of the election returns.

Sec. 26. Section 36.16.020, chapter 4, Laws of 1963 and RCW 36.16.020 are each amended to read as follows:

The term of office of all county and precinct officers shall be four years and until their successors are elected and qualified and ~~((shall begin on the second Monday in January following the election))~~ assume office in accordance with section 1 of this act: PROVIDED, That this section and RCW 36.16.010 shall not apply to county commissioners((~~PROVIDED FURTHER, That this section shall not apply to county superintendents elected in 1962~~)).

Sec. 27. Section 36.32.030, chapter 4, Laws of 1963 and RCW 36.32-.030 are each amended to read as follows:

The terms of office of county commissioners shall be four years and until their successors are elected and qualified (~~(At the expiration of the present term of office of each county commissioner, each county commissioner thereafter shall be elected for a term of four years))~~ and assume office in accordance with section 1 of this act: PROVIDED, That the terms shall be staggered so that either one or two commissioners are elected at a general election held in an even-numbered year.

Sec. 28. Section 36.69.070, chapter 4, Laws of 1963 and RCW 36.69-.070 are each amended to read as follows:

All elections pursuant to this chapter (~~(regardless of county classification))~~ shall be conducted in accordance with the provisions of chapter 29.13 RCW (~~(as for class AA counties: PROVIDED, That a special election for the formation of any park and recreation district may be held at such time as may be ordered by the board of county commissioners))~~ for district elections. Notices of the election for the formation of the park and recreation district shall state generally and briefly the purpose thereof and shall give the boundaries of the proposed district, define the election precincts, designate the polling place of each, give the names of the five nominated park and recreation commissioner candidates of the proposed district, and name the day of the election and the hours during which the polls will be open. The proposition to be submitted to the voters shall be stated in such manner that the voters may indicate yes or no upon the proposition of forming the proposed park and recreation district. The ballot shall be so arranged that voters may vote for the five nominated candidates or may write in the names of other candidates.

Sec. 29. Section 36.69.080, chapter 4, Laws of 1963 and RCW 36.69-.080 are each amended to read as follows:

If a majority of all votes cast upon the proposition favors the formation of the district, [the] (~~(board of))~~ county (~~(commissioners))~~ legislative authority shall[,] by resolution, declare the territory organized as a park and recreation district under the name theretofore designated, and shall declare the candidate from each subdivision receiving the highest number of votes for park and recreation commissioner the duly elected first park and recreation commissioner of the subdivision of the district. These initial park and recreation commissioners shall take office immediately upon their election and qualification and hold office until their successors are elected and qualified and assume office as provided in RCW 36.69.090 as now or hereafter amended.

Sec. 30. Section 36.69.090, chapter 4, Laws of 1963 as amended by section 18, chapter 200, Laws of 1963 and RCW 36.69.090 are each amended to read as follows:

Elections for park and recreation district commissioners shall be held biennially in conjunction with the general election on the first Tuesday after the first Monday of November in each ~~((even-numbered))~~ odd-numbered year ~~((: PROVIDED, That in class AA counties the election shall be held on the first Tuesday after the first Monday of November in each odd-numbered year))~~. Residence anywhere within the district shall qualify an elector for any position on the commission after the initial election. Following the initial election declarations of candidacy for the office of commissioner shall be filed with the county auditor not more than sixty nor less than forty-six days prior to said election. Any candidate may withdraw his declaration at any time to and including the first Friday after the last day for filing a declaration of candidacy. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in a group under the designation of the title of the offices for which they are candidates. There shall be no rotation of names. All commissioners shall serve until their successors are elected and qualified and assume office in accordance with section 1 of this act. ~~((The terms of office of all commissioners after the first commissioners shall begin as of noon on the second Monday in January following their respective elections:))~~ At the first election following the formation of the district, the candidate receiving the highest number of votes shall serve for a term of six years, the two candidates receiving the next highest number of votes shall serve for four years and the two candidates receiving the next highest number of votes shall serve for two years. Thereafter all commissioners shall be elected for six year terms.

Sec. 31. Section 22, chapter 34, Laws of 1939 as last amended by section 1, chapter 86, Laws of 1973 and RCW 52.12.010 are each amended to read as follows:

The affairs of the district shall be managed by a board of five commissioners composed of three resident electors of the district. The members of any district which owns or operates motor-powered fire fighting equipment shall each receive twenty-five dollars per day, not to exceed seventy-five dollars per month, for attendance at board meetings and for performance of other services in behalf of the district. In addition, they shall receive necessary expenses incurred in attending meetings of the board or when otherwise engaged in district business, and shall be entitled to receive the same insurance available to all firemen of the district: PROVIDED, That the premiums for such insurance, except liability insurance, shall be paid by the individual commissioners who elect to receive it. In any district which has a fire department owning and operating motor-powered fire fighting equipment and employing personnel on a full time, fully paid basis, fire commissioners, in addition to expenses as aforesaid, shall each receive twenty-five dollars per day, not to exceed one hundred twenty-five dollars per month, for attendance at board meetings and for performance of other services on behalf of the district. Any commissioner may waive all or any portion of his

compensation payable under this section as to any month or months during his term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which said compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The board shall fix the compensation to be paid the secretary and all other agents and employees of the district. The board may, by resolution adopted by unanimous vote, authorize any of its members to serve as volunteer firemen without compensation. A commissioner actually serving as a volunteer fireman may enjoy the rights and benefits of a volunteer fireman. The first commissioners shall take office immediately when qualified in accordance with section 2 of this act and shall serve until after the next general election for the selection of commissioners and until their successors have been elected ((or appointed)) and have qualified and have assumed office in accordance with section 1 of this act.

Sec. 32. Section 23, chapter 34, Laws of 1939 and RCW 52.12.020 are each amended to read as follows:

Except as herein otherwise provided, the term of fire commissioner shall be six years ~~((from and after the second Monday in January next succeeding his election. At the next general election, fire commissioners of the district shall be elected. Such))~~ and shall begin in accordance with section 1 of this act. Except that fire protection district elections are held in odd-numbered years, elections shall be called, noticed, conducted, canvassed, and certificates of election issued by the same officials as for general elections for selection of county officials.

Sec. 33. Section 27, chapter 34, Laws of 1939 and RCW 52.12.060 are each amended to read as follows:

At the time of the next general election occurring thirty or more days after the creation of the district, three members of the board of fire commissioners shall be elected. The candidate receiving the highest number of votes shall serve for a term of six years beginning ~~((on the second Monday in January following))~~ in accordance with section 1 of this act, the candidate receiving the next highest number of votes shall serve for a term of four years, as aforesaid, and the candidate receiving the next highest number of votes shall serve for a term of two years, as aforesaid. It is the intent of the law that the term of one fire commissioner only shall expire biennially and that this relationship be preserved so far as legally possible.

Sec. 34. Section 2, chapter 68, Laws of 1951 and RCW 53.12.172 are each amended to read as follows:

In every such port district the term of office of each port commissioner shall be six years and until his or her successor is elected and qualified, and one commissioner shall be elected at the time of the general election in each

~~((even-numbered))~~ odd-numbered year for the term of six years ~~((from the first of January following his election))~~ beginning in accordance with section 1 of this act: PROVIDED, That the terms of office of the port commissioners shall be staggered in any district hereafter organized as follows:

(1) The candidate residing in the first commissioner district receiving the highest number of votes in the port district at the election organizing the district shall hold office until ((the expiration of six years after the first day of January following his election if such election is at a general election, and if such election is at a special election he shall hold office until the expiration of six years after the first day of January following the next succeeding general election)) a successor assumes office who is elected from the election held in the sixth year after the organizational election, if such organizational election was held in an odd-numbered year, or from the election held in the fifth year after the organizational election if such organizational election was held in an even-numbered year; (2) the candidate residing in the second commissioner district receiving the highest number of votes in the port district at such organizational election shall hold office until ((the expiration of four years from the first day of January following his election if such election is at a general election, and if such election is at a special election he shall hold office until the expiration of four years after the first day of January following the next succeeding general election)) a successor assumes office who is elected from the election held in the fourth year after the organizational election, if such organizational election was held in an odd-numbered year, or from the election held in the third year after the organizational election if such organizational election was held in an even-numbered year; and (3) the candidate residing in the third commissioner district receiving the highest number of votes in the port district at such organizational election shall hold office until ((the expiration of two years after the first day of January following his election if such election is at a general election, and if such election is at a special election he shall hold office until the expiration of two years after the first day of January following the next succeeding general election; in all the foregoing situations, the commissioner to hold office until his successor is elected and qualified)) a successor assumes office who is elected from the election held in the second year after the organizational election, if such organizational election was held in an odd-numbered year, or from the election held in the first year after the organizational election if such organizational election was held in an even-numbered year.

Sec. 35. Section 2, chapter 113, Laws of 1925 ex. sess. as amended by section 2, chapter 45, Laws of 1941 and RCW 53.12.220 are each amended to read as follows:

In every such port district the term of office of each port commissioner shall be six years and until his or her successor is elected and qualified, and

one port commissioner shall be elected at the time of the general (~~biennial~~) election in each (~~even-numbered~~) odd-numbered year for the term of six years (~~from the first day of January following his election~~) beginning in accordance with section 1 of this act: PROVIDED, That the terms of office of the port commissioners shall be staggered in any such district hereafter organized as follows: (1) The candidate residing in the first commissioner's district receiving the highest number of votes in the port district at the election organizing the district shall hold office until ((the expiration of six years after the first day of January following his election if such election is at a general biennial election, and if such election is at a special election he shall hold office until the expiration of six years after the first day of January, following the next succeeding general biennial election)) a successor assumes office who is elected from the election held in the sixth year after the organizational election, if such organizational election was held in an odd-numbered year, or from the election held in the fifth year after the organizational election if such organizational election was held in an even-numbered year; (2) the candidate residing in the second commissioner district receiving the highest number of votes in the port district at such organizational election shall hold office [until] ((until the expiration of four years from the first day of January following his election if such election is at a general biennial election, and if such election is at a special election he shall hold office until the expiration of four years after the first day of January following the next succeeding general biennial election)) a successor assumes office who is elected from the election held in the fourth year after the organizational election, if such organizational election was held in an odd-numbered year, or from the election held in the third year after the organizational election if such organizational election was held in an even-numbered year; and (3) the candidate residing in the third commissioner district receiving the highest number of votes in the port district at such organizational election shall hold office until ((the expiration of two years after the first day of January following his election if such organizational election is at a general biennial election, and if such election is at a special election he shall hold office until the expiration of two years after the first day of January following the next succeeding general biennial election. In all port districts in first class counties, the boundaries of which are coextensive with the counties in which they are located, there shall be a port commissioner elected at the general biennial election held in 1942 from commissioner's district No. 2 and at the general biennial election in 1944 a commissioner from commissioner's district No. 1, and at the general biennial election in 1946 a commissioner from commissioner's district No. 3. Port commissioners holding office at the time this act takes effect shall continue in office until their successors are elected and qualified. In all port districts in class A counties, the boundaries of which are coextensive with the counties in which they are located, there shall be a port commissioner

~~electd at the general biennial election held in 1942 from commissioner's district No. 1 and at the general biennial election in 1944 a commissioner from commissioner's district No. 3, and at the general biennial election in 1946 a commissioner from commissioner's district No. 2. Port commissioners holding office at the time this act takes effect shall continue in office until their successors are elected and qualified)) a successor assumes office who is elected from the election held in the second year after the organizational election, if such organizational election was held in an odd-numbered year, or from the election held in the first year after the organizational election if such organizational election was held in an even-numbered year.~~

Sec. 36. Section 5, chapter 207, Laws of 1951 and RCW 54.08.060 are each amended to read as follows:

Whenever a proposition for the formation of a public utility district is to be submitted to voters in any county, the ~~((board of county commissioners))~~ county legislative authority may by resolution call a special election, and at the request of petitioners for the formation of such district contained in the petition shall do so and shall provide for holding the same at the earliest practicable time. If the boundaries of the proposed district embrace an area less than the entire county, such election shall be confined to the area so included. The notice of such election shall state the boundaries of the proposed district and the object of such election; in other respects, such election shall be held and called in the same manner as provided by law for the holding and calling of general elections: PROVIDED, That notice thereof shall be given for not less than ten days nor more than thirty days prior to such special election. In submitting the said proposition to the voters for their approval or rejection, such proposition shall be expressed on the ballots in substantially the following terms:

Public Utility District No. YES
Public Utility District No. NO

At the same special election on the proposition to form a public utility district, there shall also be an election for three public utility district commissioners: PROVIDED, That the election of such commissioners shall be null and void if the proposition to form the public utility district does not receive approval by a majority of the voters voting on the proposition. Nomination for and election of public utility district commissioners shall conform with the provisions of RCW 54.12.010 as now or hereafter amended, except for the day of such election and the term of office of the original commissioners. The commissioners first to be elected at such special election shall hold office from the first day of the month following the commissioners' election for the terms as specified in this section which terms shall be computed from the first day in January next following the election. If such special election was held in an even-numbered year, the commissioners residing in commissioner district number one shall hold office for the term of

six years, the commissioner residing in commissioner district number two shall hold office for the term of four years, and the commissioner residing in commissioner district number three shall hold office for the term of two years. If such special election was held in an odd-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of five years, the commissioner residing in commissioner district number two shall hold office for the term of three years, and the commissioner residing in commissioner district number three shall hold office for the term of one year.

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

Sec. 37. Section 4, chapter 1, Laws of 1931 as last amended by section 8, chapter 36, Laws of 1977 ex. sess. and RCW 54.12.010 are each amended to read as follows:

Within ten days after such election, the ~~((election board of the))~~ county canvassing board shall canvass the returns, and if at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the ~~((election))~~ canvassing board shall so declare in its canvass of the returns of such election, and such public utility district shall then be and become a municipal corporation of the state of Washington, and the name of such public utility district shall be Public Utility District No. of County. The powers of the public utility district shall be exercised through a commission consisting of three members in three commissioner districts, and five members in five commissioner districts. When the public utility district is coextensive with the limits of such county, then, at the first election of commissioners and until any change shall have been made in the boundaries of public utility district commissioner districts, one public utility district commissioner shall be chosen from each of the three county commissioner districts of the county in which the public utility district is located if the county is not operating under a "Home Rule" charter. When the public utility district comprises only a portion of the county, with boundaries established in accordance with chapter 54.08 RCW, or when the public utility district is located in a county operating under a "Home Rule" charter, three public utility district commissioner districts, numbered consecutively, having approximately equal population and boundaries, following ward and precinct lines, as far as practicable, shall be described in the petition for the formation of the public utility district, which shall be subject to appropriate change by the county ~~((commissioners))~~ legislative authority if and when they change the boundaries of the proposed public utility district, and one commissioner shall be elected from each of said public utility district commissioner districts. In all five commissioner districts an additional commissioner at large shall be chosen from each of the two at large districts. No person shall be eligible to be elected to the office of public utility district commissioner for a particular

district commissioner district unless he is a registered voter of the public utility district commissioner district or at large district from which he is elected.

Except as otherwise provided, the term of office of each public utility district commissioner other than the commissioners at large shall be six years, and the term of each commissioner at large shall be four years. Each term shall be computed ~~((from the first day of December))~~ in accordance with section 1 of this act following the commissioner's election. One commissioner at large and one commissioner from a commissioner district shall be elected at each general election held in an even-numbered year for the term of four years and six years respectively. All candidates shall be voted upon by the entire public utility district.

When a public utility district is formed, three public utility district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such public utility district shall be formed. If the general election adopting the proposition to create the public utility district was held in an even-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of six years; the commissioner residing in commissioner district number two shall hold office for the term of four years; and the commissioner residing in commissioner district number three shall hold office for the term of two years. If the general election adopting the proposition to create the public utility district was held in an odd-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of five years, the commissioner in district two shall hold office for the term of three years, and the commissioner in district three shall hold office for the term of one year. The commissioners first to be elected as above provided shall hold office from the first day of the month following the commissioners' election and their respective terms of office shall be computed from the first day of January next following the election. ~~((Each term shall be computed from the first day of December following the commissioners' election:))~~

All public utility district commissioners shall hold office until their successors shall have been elected and have qualified and assume office in accordance with section 1 of this act. A filing for nomination for public utility district commissioner shall be accompanied by a petition signed by one hundred registered voters of the public utility district, which shall be certified by the county auditor to contain the required number of registered voters, and shall otherwise be filed in accord with the requirements of RCW 29.21.060. At the time of filing such nominating petition, the person so nominated shall execute and file a declaration of candidacy subject to the provisions of RCW 29.21.060, as now or hereafter amended. The petition and each page of the petition shall state whether the nomination is for a commissioner from a particular commissioner district or for a commissioner at large and shall state the districts; otherwise it shall be void. A vacancy in

the office of public utility district commissioner shall occur by death, resignation, removal, conviction of a felony, nonattendance at meetings of the public utility district commission for a period of sixty days unless excused by the public utility district commission, by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty. In the event of a vacancy in said office, such vacancy shall be filled at the next general election held in an even-numbered year, the vacancy in the interim to be filled by appointment by the remaining commissioners. If more than one vacancy exists at the same time in a three commissioner district, or more than two in a five commissioner district, a special election shall be called by the county ((election)) canvassing board upon the request of the remainder, or, that failing, by the county election board, such election to be held not more than forty days after the occurring of such vacancies.

A majority of the persons holding the office of public utility district commissioner at any time shall constitute a quorum of the commission for the transaction of business, and the concurrence of a majority of the persons holding such office at the time shall be necessary and shall be sufficient for the passage of any resolution, but no business shall be transacted, except in usual and ordinary course, unless there are in office at least a majority of the full number of commissioners fixed by law.

The boundaries of the public utility district commissioners' district may be changed only by the public utility district commission, and shall be examined every ten years to determine substantial equality of population, but said boundaries shall not be changed oftener than once in four years, and only when all members of the commission are present. The proposed change of the boundaries of the public utility district commissioners' district must be made by resolution and after public hearing. Notice of the time of a public hearing thereon shall be published for two weeks prior thereto. Upon a referendum petition signed by ten percent of the qualified voters of the public utility district being filed with the county auditor, the ((~~board of county commissioners~~)) county legislative authority shall submit such proposed change of boundaries to the voters of the public utility district for their approval or rejection. Such petition must be filed within ninety days after the adoption of resolution of the proposed action. The validity of said petition shall be governed by the provisions of chapter 54.08 RCW.

Sec. 38. Section 1, chapter 110, Laws of 1953 as last amended by section 17, chapter 200, Laws of 1963 and RCW 56.12.020 are each amended to read as follows:

At the election held to form or reorganize a district, there shall be elected three commissioners who shall assume office immediately when qualified in accordance with section 2 of this act to hold office for terms of two, four, and six years respectively, and until their successors are elected and qualified and assume office in accordance with section 1 of this act.

The term of each nominee shall be expressed on the ballot and shall be computed from ~~((the date of assuming office following))~~ the first day of January next following if the initial election of the sewer district commissioners was in a general district election as provided in RCW 29.13.020, or from the first day of January following the first general election for sewer districts after its creation if the initial election was on a date other than a general district election. Thereafter, every two years there shall be elected a commissioner for a term of six years and until his or her successor is elected and qualified, at ~~((an))~~ the general election held ~~((on the Tuesday following the first Monday in November))~~ in the odd-numbered years, as provided in RCW 29.13.020, and conducted by the county auditor and the returns shall be canvassed by the county canvassing board of election returns: PROVIDED, That each such commissioner shall assume office in accordance with section 1 of this act.

~~((All sewer district commissioners elected for a regular six year term on the second Tuesday of March, 1962, shall remain in office until their successors are elected and qualified at the general district election to be held on the Tuesday following the first Monday in November, 1969.~~

~~There shall be no general sewer district election held in the year 1964 and those sewer district commissioners whose terms would have expired in 1964, but for the provisions of this amendatory act, shall remain in office until their successors are elected and qualified at the general sewer district election to be held on the Tuesday following the first Monday in November, 1965.~~

~~There shall be no general sewer district election held in the year 1966 and those sewer district commissioners whose terms would have expired in 1966, but for the provisions of this amendatory act, shall remain in office until their successors are elected and qualified at the general sewer district election to be held on the Tuesday following the first Monday in November, 1967.)~~

Sec. 39. Section 4, chapter 18, Laws of 1959 and RCW 57.12.030 are each amended to read as follows:

~~((The officers of any city or town, or in any precinct in a water district where registration is required, having charge of the registration shall deliver the same to the water commissioners for the use of the election officers at any election held in a water district formed under and in accordance with the provisions of this act. And the registration of voters for election to be held in such water district shall be conducted by the city or town clerks and officers of registration of the city, town and territory embraced within said water district. And any elector who shall have registered in accordance with the laws of this state, entitling him to vote at a general or special election in the city, town or territory comprised within such water district, within time to constitute same a good registration for any general or special election of said water district, shall be entitled to vote thereat without further or other~~

~~registration. The city or town clerk or registration officer required to perform the duties enumerated under this act shall receive no additional compensation therefor:)~~

The general laws of the state of Washington governing the registration of voters for a general or a special city ~~((or town municipal))~~ election ~~(; when not inconsistent with the foregoing provision;)~~ shall govern the registration of voters for elections held under this chapter ~~((, and the registration books of the city, town and territory comprising said water district shall be the books used by said water district, and no separate registration books shall be kept or maintained by it)).~~ The manner of holding any general or special election for said water district shall be in accordance with the laws of this state ~~((and the charter provisions of the cities or towns within said water district if any there be, and insofar as the same are not inconsistent with the provisions of this act)).~~ All elections in a water district shall be conducted by the canvassing board of the county within which it is located. All expenses of elections for ((the formation of such)) a water district((s)) shall be paid ((by the county in which said election is held and such expenditure is hereby declared to be for a county purpose, and the money paid out for such purpose shall be repaid to such county by the water district if formed)) for out of the funds of such water district: PROVIDED, That if the voters fail to approve the formation of a water district, the county shall pay all expenses of the formation election.

Except as in this section otherwise provided, the term of office of each water district commissioner shall be six years, such term to be computed from the first day of ~~((December))~~ January following his election, and one such commissioner shall be elected at each biennial general election, as provided in RCW 29.13.020, for the term of six years and until his or her successor ~~((has been))~~ is elected and ~~((has))~~ qualified and assumes office in accordance with section 1 of this act. All candidates shall be voted upon by the entire water district.

In any water district hereafter formed, three water district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such water district shall be formed. The commissioner residing in commissioner district number one shall hold office for the term of six years; the commissioner residing in commissioner district number two shall hold office for the term of four years; and the commissioner residing in commissioner district number three shall hold office for the term of two years: PROVIDED, That the members of the first commission shall take office immediately upon their election and qualification. The terms of all commissioners first to be elected as above provided shall also include the time intervening between the date that the results of their election are declared in the canvass of returns thereof((, and the date from which the length of their terms is computed as above specified)) and the

first day of January following the next general district election as provided in RCW 29.13.020.

~~((No election of commissioners in any water district, except to fill vacancies, shall be held until the biennial general election on the first Tuesday following the first Monday in November, 1946, at which time and thereafter such elections shall be held as herein provided. At said general election, there shall be elected two water district commissioners in each water district, one for a term of four years commencing December 1, 1946, in such commissioner district where the water district commissioner resides whose successor, but for the provisions of chapter 50, Laws of 1945, would be elected on the second Saturday in December, 1945, and one for a term commencing on the second Monday in December, 1946, and expiring December 1, 1952, in such commissioner district where the water commissioner resides whose successor, but for the provisions of chapter 50, Laws of 1945, would be elected on the second Saturday in December, 1946, and at the general election to be held on the first Tuesday following the first Monday in November, 1948, there shall be elected one water district commissioner for a term of six years commencing December 1, 1948, in such commissioner district of each such water district where the commissioner resides whose successor, but for the provisions of chapter 50, Laws of 1945, would be elected on the second Saturday in December, 1947.~~

~~All commissioners shall hold office until their successors shall have been elected and have qualified.))~~

Sec. 40. Section 14, chapter 6, Laws of 1947 and RCW 68.16.140 are each amended to read as follows:

The affairs of the district shall be managed by a board of cemetery district commissioners composed of three qualified electors of the district. Members of the board shall receive no compensation for their services, but shall receive expenses necessarily incurred in attending meetings of the board or when otherwise engaged in district business. The board shall fix the compensation to be paid the secretary and other employees of the district. The first three cemetery district commissioners shall serve only until the first day in January following the next general election, provided such election occurs thirty or more days after the formation of the district, and until their successors have been elected and qualified and have assumed office in accordance with section 1 of this act. At the next general district election, as provided in RCW 29.13.020, provided it occurs thirty or more days after the formation of the district, three members of the board of cemetery commissioners shall be chosen. They shall have the same qualifications as required of the first three cemetery commissioners. The candidate receiving the highest number of votes shall serve for a term of six years beginning on the ((second Monday)) first day in January following; the candidate receiving the next higher number of votes shall serve for a term of four years from said date; and the candidate receiving the next higher

number of votes shall serve for a term of two years from said date. Upon the expiration of their respective terms, ~~((successors))~~ all cemetery commissioners shall be ~~((chosen))~~ elected for terms of six years to begin on the ~~((second Monday))~~ first day in January next succeeding the day of election ~~((Such commissioners))~~ and shall serve until their successors have been elected and qualified and assume office in accordance with section 1 of this act. Elections shall be called, noticed, conducted and canvassed by the same officials as provided for general county elections. The polling places for a cemetery district election shall be those of the county voting precincts which include any of the territory within the cemetery district, and may be located outside the boundaries of the district, and no such election shall be held irregular or void on that account.

Sec. 41. Section 5, chapter 264, Laws of 1945 as last amended by section 1, chapter 11, Laws of 1957 and RCW 70.44.040 are each amended to read as follows:

The provisions of Title 54 RCW relating to elections and procedure of the commission ~~((, except vacancies occurring therein;))~~ and boundaries and consolidation of public utility districts shall govern public hospital districts, except that: (1) Vacancies in hospital commissions shall be governed by chapter 70.44 RCW as now or hereafter amended; (2) elections in hospital districts shall be in odd-numbered years as provided in RCW 29.13.020; (3) the total vote cast upon the proposition to form ~~((the))~~ a hospital district shall exceed forty percent of the total number of votes cast in the precincts comprising the proposed district ~~((s))~~ at the ~~((next))~~ preceding general and county election ~~((, and except that;))~~ and (4) hospital district commissioners shall hold office for the term of six years and until their successors are elected and qualified, each term to commence on the ~~((second Monday))~~ first day in January ~~((in each year))~~ following the election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. All candidates shall be voted upon by the entire district, and the candidate residing in commissioner district No. 1 receiving the highest number of votes in the hospital district shall hold office for the term of six years; the candidate residing in commissioner district No. 2 receiving the highest number of votes in the hospital district shall hold office for the term of four years; and the candidate residing in commissioner district No. 3 receiving the highest number of votes in the hospital district shall hold office for the term of two years. The first commissioners to be elected shall take office immediately when qualified in accordance with section 2 of this act. Each term of the initial commissioners shall date from the time above specified following the organizational election, but shall also include the period intervening between the organizational election and the ~~((beginning of the regular terms specified in this section))~~ first day of January following the next district general election:

PROVIDED, That in public hospital districts encompassing portions of more than one county, the total vote cast upon the proposition to form the district shall exceed forty percent of the total number of votes cast in each portion of each county lying within the proposed district at the next preceding general county election. The portion of said proposed district located within each county shall constitute a separate commissioner district. There shall be three district commissioners whose terms shall be six years. Each district shall be designated by the name of the county in which it is located. All candidates for commissioners shall be voted upon by the entire district. Not more than one commissioner shall reside in any one district: PROVIDED FURTHER, That in the event there are only two districts then two commissioners may reside in one district. The term of each commissioner shall commence on the ((~~second Monday~~)) first day in January in each year following his election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. The candidate receiving the highest number of votes within the district, as constituted by said election, shall serve a term of six years; the candidate receiving the next highest number of votes shall hold office for a term of four years; and the candidate receiving the next highest number of votes shall hold office for a term of two years: PROVIDED FURTHER, That the holding of each such term of office shall be subject to the residential requirements for district commissioners hereinbefore set forth in this section.

NEW SECTION. Sec. 42. There is added to chapter 42.17 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 42.17.240, any local elected official whose term of office expires immediately after December 31st shall file the written sworn statement required to be filed by that section for the year which ended on that December 31st.

NEW SECTION. Sec. 43. The following acts or parts of acts are each repealed:

- (1) Section 34, chapter 43, Laws of 1975 and RCW 28A.57.329; and
- (2) Section 3, chapter 113, Laws of 1925 ex. sess. and RCW 53.12.240.

Passed the House April 23, 1979.

Passed the Senate April 6, 1979.

Approved by the Governor May 4, 1979.

Filed in Office of Secretary of State May 4, 1979.