

(3) Section 2733, Code of 1881 and RCW 65.04.100.

Passed the Senate April 5, 1985.

Passed the House April 1, 1985.

Approved by the Governor April 15, 1985.

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CHAPTER 45

[Engrossed Senate Bill No. 3096]

VACANCIES IN FEDERAL OFFICES

AN ACT Relating to vacancy elections for federal offices; amending RCW 29.13.047, 29.68.070, 29.68.080, 29.68.100, 29.68.120, and 29.68.130; creating a new section; and repealing RCW 29.68.090, and 29.68.110.

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

NEW SECTION. Sec. 1. It is the intention of the legislature that sections 2 through 7 of this act shall provide an orderly and predictable election procedure for filling vacancies in the offices of United States representative and United States senator.

Sec. 2. Section 2, chapter 4, Laws of 1973 as last amended by section 4, chapter 144, Laws of 1977 ex. sess. and RCW 29.13.047 are each amended to read as follows:

(1) Whenever state officers or measures are voted upon at a state primary or general election held in an odd-numbered year (~~as provided for in~~) under RCW 29.13.010, the state of Washington shall assume ~~(its)~~ a prorated share of ((such election)) the costs of that state primary or general election.

(2) Whenever a primary or vacancy election is held to fill a vacancy in the position of United States senator or United States representative under chapter 29.68 RCW, the state of Washington shall assume a prorated share of the costs of that primary or vacancy election.

(3) The county auditor shall apportion the state's share of ~~((such))~~ these expenses when prorating election costs ((as provided)) under RCW ((29.04.020 and)) 29.13.045 and shall file such expense claims with the secretary of state.

(4) The secretary of state shall include in his or her biennial budget requests ~~((a provision for))~~ sufficient funds to carry out ((the provisions of)) this section. ((Payments hereunder)) Reimbursements for election costs shall be from appropriations specifically provided by law for ((such)) that purpose ((by law)).

Sec. 3. Section 29.68.070, chapter 9, Laws of 1965 and RCW 29.68.070 are each amended to read as follows:

When a vacancy ~~((happens))~~ occurs in the representation of this state in the senate of the United States, the governor shall make a temporary

appointment to that office until the people fill the vacancy by election ((at the next ensuing general state election)) as provided in this chapter.

Sec. 4. Section 29.68.080, chapter 9, Laws of 1965 as amended by section 3, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.080 are each amended to read as follows:

(1) Whenever ~~((there is))~~ a vacancy ~~((existing by death, resignation, disability or failure to qualify or impending vacancy))~~ occurs in the office of United States representative ~~((in the congress of the United States))~~ or United States senator from this state or any congressional district ~~((in))~~ of this state, the governor shall order a special election to fill the vacancy.

(2) Within ten days of such vacancy occurring, he or she shall ~~((fix as the))~~ issue a writ of election fixing a date for the special vacancy election ~~((a day))~~ not less than ninety days after the issuance of the writ ~~((He shall fix as the))~~, fixing a date for the primary for nominating candidates for the special vacancy election ~~((, a day))~~ not less than thirty days before the day fixed for holding the special vacancy election, fixing the dates for the special filing period, and designating the term or part of the term for which the vacancy exists. If the vacancy is in the office of United States representative, the writ of election shall specify the congressional district that is vacant.

(3) If the vacancy occurs ~~((between or on a date))~~ less than six months ~~((prior to))~~ before a state general ~~((state))~~ election and before the second Friday following the close of the filing period for that general election, the special primary and special ~~((general))~~ vacancy elections shall be held in concert with the ~~((regular))~~ state primary and ~~((regular))~~ state general election ~~((s))~~ in that year.

(4) If the vacancy occurs on or after the first day for filing ~~((specified in))~~ under RCW 29.18.030 and on or before the second Friday following the close of the filing period, a special filing period of three normal business days shall be fixed by the ~~((secretary of state))~~ governor and notice thereof given ~~((by notifying))~~ to all media, including press, radio, and television within the ~~((congressional district concerned))~~ area in which the vacancy election is to be held, to the end that, insofar as possible, all interested persons will be aware of such filing period ~~((PROVIDED, HOWEVER, That))~~. The last day of ~~((such))~~ the filing period shall not be ~~((no))~~ later than the third Tuesday ~~((prior to))~~ before the primary ~~((election concerned. Such))~~ at which candidates are to be nominated. The names of candidates who have filed valid declarations of candidacy ~~((validly filed within said))~~ during this three-day period shall appear on the approaching primary ballot ~~((as if made during the earlier filing period)).~~

(5) If the vacancy ~~((should))~~ occurs later than the second Friday following the close of the filing period, a special primary and special ~~((general))~~ vacancy election to fill ~~((such vacancy))~~ the position shall be held after the ~~((regular annual))~~ next state general election but, in any event, no later than the ninetieth day following the ~~((said))~~ November election.

(6) As used in this chapter, "county" means, in the case of a vacancy in the office of United States senator, any or all of the counties in the state and, in the case of a vacancy in the office of United States representative, only those counties wholly or partly within the congressional district in which the vacancy has occurred.

Sec. 5. Section 29.68.100, chapter 9, Laws of 1965 as amended by section 5, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.100 are each amended to read as follows:

~~((Upon))~~ After calling a special primary and special vacancy election to fill a vacancy ((or impending vacancy)) in the office of United States representative ((in the congress of the United States)) or United States senator from this state, the governor shall immediately notify the secretary of state who shall, in turn, immediately notify ((each)) the county auditor of each county wholly or partly within ((the district in)) which the vacancy exists ((or is about to exist)).

Each county auditor ~~((in the district))~~ shall publish notices of the special primary and ~~((of))~~ the special vacancy election at least once in any legal newspaper published in the county, as provided by RCW 29.27.030 and 29.27.080 respectively.

Sec. 6. Section 29.68.120, chapter 9, Laws of 1965 as last amended by section 46, chapter 3, Laws of 1983 and RCW 29.68.120 are each amended to read as follows:

(1) The canvass of the votes cast at a special primary ((held in relation to a special election)) for a United States ((congressman)) representative or senator shall be ((made)) completed in each county ((within the district)) within ten days after the primary ((and)). The returns ((sent)) shall be transmitted immediately to the secretary of state, who shall certify ((said)) the returns in the ((same)) manner ((as)) provided by RCW 29.62.100 ((and)). As soon as possible ((thereafter)) after the canvass, the secretary of state shall certify the names of the ((successful)) nominees to the county auditors ((of the counties within the district)).

(2) The canvass of the votes cast at a special vacancy election for a United States representative or senator shall be completed in each county within fifteen days after the vacancy election. The returns shall be transmitted immediately to the secretary of state, who shall certify the returns in the manner provided in RCW 29.62.120.

Sec. 7. Section 29.68.130, chapter 9, Laws of 1965 and RCW 29.68.130 are each amended to read as follows:

The general election laws and laws relating to partisan primaries shall apply to the special primaries and vacancy elections provided for in RCW 29.68.080 through 29.68.120 ~~((in so far as))~~ to the extent that they are not inconsistent ~~((therewith, and shall be construed with and as a part thereof~~

for the purpose of carrying out the spirit and intent thereof)) with the provisions of these sections. Statutory time deadlines relating to availability of absentee ballots, certification, canvassing, and related procedures that cannot be met in a timely fashion may be modified for the purposes of a specific primary or vacancy election under this chapter by the secretary of state through emergency rules adopted under RCW 29.04.080.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) Section 29.68.090, chapter 9, Laws of 1965, section 4, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.090; and

(2) Section 29.68.110, chapter 9, Laws of 1965, section 6, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.110.

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CHAPTER 46

[Engrossed Senate Bill No. 3538]

SCHOOL DISTRICTS—CLASSIFIED EMPLOYEES' TRANSFER RIGHTS

AN ACT Relating to school employees' transfer rights; and amending RCW 28A.58.099.

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

Sec. 1. Section 3, chapter 275, Laws of 1983 and RCW 28A.58.099 are each amended to read as follows:

Every board of directors, unless otherwise specially provided by law, shall:

(1) Employ for not more than one year, and for sufficient cause discharge all certificated and noncertificated employees;

(2) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or noncertification qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and, emergencies for both certificated and noncertificated employees, and with such compensation as the board of directors prescribe: PROVIDED, That the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness, injury and emergencies as follows:

(a) For such persons under contract with the school district for a full year, at least ten days;