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SENATE BILL 5016

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State of Washington

61st Legislature

2009 Regular Session

By Senators McDermott, Parlette, Fairley, Oemig, Kilmer, Hatfield, Shin, and Honeyford

Read first time 01/12/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to modifying the dates on which a special election  
2 may be held; and amending RCW 29A.04.321 and 29A.04.330.

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

4 **Sec. 1.** RCW 29A.04.321 and 2006 c 344 s 2 are each amended to read  
5 as follows:

6 (1) All state, county, city, town, and district general elections  
7 for the election of federal, state, legislative, judicial, county,  
8 city, town, and district officers, and for the submission to the voters  
9 of the state, county, city, town, or district of any measure for their  
10 adoption and approval or rejection, shall be held on the first Tuesday  
11 after the first Monday of November, in the year in which they may be  
12 called. A statewide general election shall be held on the first  
13 Tuesday after the first Monday of November of each year. However, the  
14 statewide general election held in odd-numbered years shall be limited  
15 to (a) city, town, and district general elections as provided for in  
16 RCW 29A.04.330, or as otherwise provided by law; (b) the election of  
17 federal officers for the remainder of any unexpired terms in the  
18 membership of either branch of the Congress of the United States; (c)  
19 the election of state and county officers for the remainder of any

1 unexpired terms of offices created by or whose duties are described in  
2 Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22,  
3 and 23, and Article IV, sections 3 and 5 of the state Constitution and  
4 RCW 2.06.080; (d) the election of county officers in any county  
5 governed by a charter containing provisions calling for general county  
6 elections at this time; and (e) the approval or rejection of state  
7 measures, including proposed constitutional amendments, matters  
8 pertaining to any proposed constitutional convention, initiative  
9 measures and referendum measures proposed by the electorate, referendum  
10 bills, and any other matter provided by the legislature for submission  
11 to the electorate.

12 (2) A county legislative authority may call a special county  
13 election by presenting a resolution to the county auditor prior to the  
14 proposed election date. (~~Except as provided in subsection (4) of this~~  
15 ~~section,~~) A special election called by the county legislative  
16 authority shall be held on one of the following dates as decided by  
17 such governing body:

18 (a) The (~~first~~) second Tuesday (~~after the first Monday~~) in  
19 February;

20 (b) (~~The second Tuesday in March;~~

21 ~~e~~) The fourth Tuesday in April;

22 (~~d~~) ~~The third Tuesday in May;~~

23 ~~e~~) (c) The day of the primary as specified by RCW 29A.04.311; or

24 (~~f~~) (d) The first Tuesday after the first Monday in November.

25 (3) A resolution calling for a special election on a date set forth  
26 in subsection (2)(a) (~~through (d)~~) and (b) of this section must be  
27 presented to the county auditor at least (~~fifty-two~~) forty-five days  
28 prior to the election date. A resolution calling for a special  
29 election on a date set forth in subsection (2)(~~e~~) (c) or (~~f~~)  
30 (d) of this section must be presented to the county auditor at least  
31 eighty-four days prior to the election date.

32 (4) In addition to the dates set forth in subsection (2)(a) through  
33 (~~f~~) (d) of this section, a special election to validate an excess  
34 levy or bond issue may be called at any time to meet the needs  
35 resulting from fire, flood, earthquake, or other act of God. Such  
36 county special election shall be noticed and conducted in the manner  
37 provided by law.

1           (5) (~~In a presidential election year, if a presidential preference~~  
2 ~~primary is conducted in February, March, April, or May under chapter~~  
3 ~~29A.56 RCW, the date on which a special election may be called by the~~  
4 ~~county legislative authority under subsection (2) of this section~~  
5 ~~during the month of that primary is the date of the presidential~~  
6 ~~primary.~~

7           (6)) This section shall supersede the provisions of any and all  
8 other statutes, whether general or special in nature, having different  
9 dates for such city, town, and district elections, the purpose of this  
10 section being to establish mandatory dates for holding elections except  
11 for those elections held pursuant to a home-rule charter adopted under  
12 Article XI, section 4 of the state Constitution. This section shall  
13 not be construed as fixing the time for holding primary elections, or  
14 elections for the recall of any elective public officer.

15           **Sec. 2.** RCW 29A.04.330 and 2006 c 344 s 3 are each amended to read  
16 as follows:

17           (1) All city, town, and district general elections shall be held  
18 throughout the state of Washington on the first Tuesday following the  
19 first Monday in November in the odd-numbered years.

20           This section shall not apply to:

21           (a) Elections for the recall of any elective public officer;

22           (b) Public utility districts, conservation districts, or district  
23 elections at which the ownership of property within those districts is  
24 a prerequisite to voting, all of which elections shall be held at the  
25 times prescribed in the laws specifically applicable thereto;

26           (c) Consolidation proposals as provided for in RCW 28A.315.235 and  
27 nonhigh capital fund aid proposals as provided for in chapter 28A.540  
28 RCW.

29           (2) The county auditor, as ex officio supervisor of elections, upon  
30 request in the form of a resolution of the governing body of a city,  
31 town, or district, presented to the auditor prior to the proposed  
32 election date, may call a special election in such city, town, or  
33 district, and for the purpose of such special election he or she may  
34 combine, unite, or divide precincts. (~~Except as provided in~~  
35 ~~subsection (3) of this section,~~) Such a special election shall be held  
36 on one of the following dates as decided by the governing body:

1 (a) The ~~((first))~~ second Tuesday ~~((after the first Monday))~~ in  
2 February;

3 (b) ~~((The second Tuesday in March;~~  
4 ~~(+))~~) The fourth Tuesday in April;  
5 ~~((d) The third Tuesday in May;~~  
6 ~~(+))~~) (c) The day of the primary election as specified by RCW  
7 29A.04.311; or  
8 ~~((f))~~) (d) The first Tuesday after the first Monday in November.

9 (3) A resolution calling for a special election on a date set forth  
10 in subsection (2)(a) ~~((through d))~~ and (b) of this section must be  
11 presented to the county auditor at least ~~((fifty-two))~~ forty-five days  
12 prior to the election date. A resolution calling for a special  
13 election on a date set forth in subsection (2)~~((e))~~ (c) or ~~((f))~~  
14 (d) of this section must be presented to the county auditor at least  
15 eighty-four days prior to the election date.

16 (4) ~~((In a presidential election year, if a presidential preference~~  
17 ~~primary is conducted in February, March, April, or May under chapter~~  
18 ~~29A.56 RCW, the date on which a special election may be called under~~  
19 ~~subsection (2) of this section during the month of that primary is the~~  
20 ~~date of the presidential primary.~~

21 ~~(+))~~) In addition to subsection (2)(a) through ~~((f))~~) (d) of this  
22 section, a special election to validate an excess levy or bond issue  
23 may be called at any time to meet the needs resulting from fire, flood,  
24 earthquake, or other act of God, except that no special election may be  
25 held between the first day for candidates to file for public office and  
26 the last day to certify the returns of the general election other than  
27 as provided in subsection (2)~~((e))~~ (c) and ~~((f))~~) (d) of this  
28 section. Such special election shall be conducted and notice thereof  
29 given in the manner provided by law.

30 ~~((6))~~) (5) This section shall supersede the provisions of any and  
31 all other statutes, whether general or special in nature, having  
32 different dates for such city, town, and district elections, the  
33 purpose of this section being to establish mandatory dates for holding  
34 elections.

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