



HOUSE JOINT RESOLUTION 4206

PROPOSED CONSTITUTIONAL AMENDMENT

Official Ballot Title:

The legislature has proposed a constitutional amendment on filling vacancies in legislative and partisan county elective offices.

This amendment would permit newly-elected officers to take office early if the office falls vacant after the general election and the newly-elected officer is of the same political party as the former officer.

Should this constitutional amendment be:

Approved [] Rejected []

Vote cast by the 2003 Legislature on final passage:

Senate: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

House: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of HJR 4206 begins on page 11.

Explanatory Statement

The constitutional provision as it presently exists:

If a vacancy occurs in either house of the legislature, in a district entirely located within a single county, or if a vacancy occurs in a county elective office, the vacancy is filled by appointment by the county legislative authority (county council or board of county commissioners). The person appointed must be from the same district or county as the officer whose office has become vacant, and of the same political party. The county legislative authority chooses from a list of three persons nominated by the county central committee of the political party with which the former officer was affiliated when last elected to the office. If the members of the county legislative authority cannot agree on an appointment within 60 days after the vacancy, the governor makes the appointment from the same list of nominees. The person appointed serves until his or her successor is elected at the next general election and has qualified to serve.

If a vacancy occurs in a position in either house of the legislature where the district includes territory in two or more counties, the vacancy is filled by joint action of the legislative authorities of the counties in which the district is located, and the nomination may be made by either the political party's state central committee or by joint action of the party's county central committees. The governor makes the appointment if the county legislators cannot agree.

The effect of the proposed amendment, if it is approved:

This measure would address the special circumstance in which a vacancy occurs after a general election at which a new officer has been elected for the next succeeding term in office, such as a vacancy created by the incumbent's death or resignation after a successor has been elected to the next term in office but before the successor has actually taken office. If the newly-elected officer is of the same party as the previous incumbent, the newly-elected officer could take office for the remainder of the previous incumbent's term, as well as serving during the new term for which he or she has been elected.

EXAMPLE: Senator A did not seek re-election, and on November 5, B was elected to the term beginning next January. If A resigns on November 15, and A and B are of the same political party, this constitutional amendment would permit B to finish A's term as well as to serve during the term beginning in January.

If the vacancy occurs at any other time, or if the previous incumbent and the newly-elected officer are not of the same political party, the existing system would still be used to fill the vacancy.



Statement For HJR 4206

There is currently a gap in the law that deals with vacancies in office for county and legislative positions. This amendment would fill that gap with a more efficient process allowing the will of the people to be put into place sooner and providing continuous representation.

WHAT HAPPENS WHEN A VACANCY OCCURS AFTER A GENERAL ELECTION, BUT BEFORE THE NEW TERM BEGINS?

If an incumbent leaves office after the general election, and prior to the end of their term, a vacancy is created. Voters are left without representation during this period. If the new, duly elected official is of the same party as the incumbent, they should be able to take office immediately to provide representation.

WHAT THIS CONSTITUTIONAL AMENDMENT DOES

If such a vacancy occurred, this amendment would allow a newly-elected official to take office immediately upon certification of the election, if they are from the same political party as the outgoing incumbent. Current law would apply if the new official were of a different party.

WHY THIS CHANGE IS NEEDED

These changes apply to rare, but important circumstances. An incumbent may vacate the position, before the end of their term and after a general election, for a number of reasons including illness or death. If there were a newly-elected official of the same party ready to take office, constituents would be better served, and represented.

Voters Pamphlet Argument Prepared by:

ZACK HUDGINS, Washington State Representative; PAM ROACH, Washington State Senator.

Statement Against HJR 4206

State law requires that the argument and rebuttal statement against a constitutional amendment be written by one or more members of the state Legislature who voted against that proposed measure on final passage or, in the event that no such member of the Legislature consents to prepare the statement, by any other responsible individual or individuals to be appointed by the Speaker of the House of Representatives, the President of the State Senate, and the Secretary of State. No legislator who voted against House Joint Resolution 4206 or other individual opposing the measure consented to write an argument against the measure for publication in this pamphlet.

The Office of the Secretary of State is not authorized to edit statements, nor is it responsible for their contents.

Address Confidentiality Program

If you are a victim of domestic violence, sexual assault or stalking who has chosen not to register to vote because you are afraid the perpetrator will track you down, the Office of the Secretary of State has a program that might be able to help you. The Address Confidentiality Program (ACP) works together with community domestic violence and sexual assault programs in an effort to keep crime victims a little safer. The Address Confidentiality Program provides crime victims with a substitute mailing address that can be used when the victim works with the state and local government agencies. The ACP also provides crime victims with confidential voter registration. All ACP participants must be referred to the program by a local domestic violence or sexual assault advocate who can help the victim develop a comprehensive safety plan.

Need More Information?

For more information about the ACP and the phone number of victim resources in your community call the ACP at 360.753.2972 or visit www.secstate.wa.gov/acp.

Complete Text of



INITIATIVE MEASURE 841

AN ACT Relating to repealing state ergonomics regulations unless a uniform federal standard is required; adding new sections to chapter 49.17 RCW; and creating a new section.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** A new section is added to chapter 49.17 RCW to read as follows:

Washington must aid businesses in creating new jobs. Governor Locke's competitiveness council has identified repealing the state ergonomics regulations as a top priority for improving the business climate and creating jobs in Washington state. A broad coalition of democrats and republicans have introduced bills repeatedly to bring legislative oversight to this issue. This measure will repeal an expensive, unproven rule. This measure will aid in creating jobs and employing the people of Washington.

NEW SECTION. **Sec. 2.** A new section is added to chapter 49.17 RCW to read as follows:

For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. The director shall not have the authority to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed, until and to the extent required by congress or the federal occupational safety and health administration.

NEW SECTION. **Sec. 3.** The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

NEW SECTION. **Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Please Note...

In the preceding and following text any language in double parentheses with a line through it is existing state law and will be taken out of the law if this measure is approved by voters. Any underlined language does not appear in current state law but will be added to the law if this measure is approved by voters. To obtain a copy of the text in larger print, call the Secretary of State's toll-free hotline at 1.800.448.4881.

Complete Text of



HOUSE JOINT RESOLUTION 4206

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article II, section 15 of the Constitution of the state of Washington to read as follows:

Article II, section 15. Such vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of the county in which the vacancy occurs: *Provided*, That the person appointed to fill the vacancy must be from the same legislative district, county, or county commissioner or council district and the same political party as the legislator or partisan county elective officer whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and in case a majority of ~~((said))~~ the members of the county ~~((commissioners))~~ legislative authority do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district, county, or county commissioner or council district and of the same political party as the legislator or partisan county elective officer whose office has been vacated, and the person so appointed shall hold office until his or her successor is elected at the next general election, and ~~((shall have))~~ has qualified: *Provided*, That in case of a vacancy occurring after the general election in a year that the office appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified and shall continue through the term for which he or she was elected. *Provided*, That in case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment by the joint action of the boards of county ~~((commissioners))~~ legislative authorities of the counties composing the joint senatorial or joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and in case a majority of ~~((said))~~ the members of the county ~~((commissioners))~~ legislative authority do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.