

Chapter 53.12 RCW
COMMISSIONERS—ELECTIONS

Sections

- 53.12.005 Definition—"Gross operating revenue."
- 53.12.010 Port commission—Number of commissioners, districts.
- 53.12.021 Elimination of commissioner districts.
- 53.12.061 Elections to conform with general election law.
- 53.12.115 Increasing number of commissioners—Resolution, petition—Ballot proposition.
- 53.12.120 Increasing number of commissioners—Population requirements—Ballot proposition—Election of added commissioners.
- 53.12.130 Increasing number of commissioners—Election of additional commissioners—Commencement and terms of office.
- 53.12.135 Voluntary change to electoral system.
- 53.12.140 Vacancies.
- 53.12.172 Port commissioner terms of office.
- 53.12.175 Reducing port commissioner terms—Ballot proposition.
- 53.12.176 Lengthening port commissioner terms—Ballot proposition.
- 53.12.221 Terms—Districts covering entire county with populations of one hundred thousand or more.
- 53.12.245 Organization of commission—Powers and duties—Record of proceedings.
- 53.12.246 Quorum.
- 53.12.260 Compensation.
- 53.12.265 Waiver of compensation.
- 53.12.270 Delegation of powers to managing official of port district—Waiver of competitive bidding requirements.

Elections: Title 29A RCW.

Redistricting by local governments and municipal corporations—Census information for—Plan, prepared when, criteria for, hearing on, request for review of, certification, remand—Sanctions when review request frivolous: RCW 29A.76.010.

RCW 53.12.005 Definition—"Gross operating revenue." For purposes of this chapter, "gross operating revenue" means the total of all revenues received by a port district. [1992 c 147 s 5.]

Severability—1992 c 147: See note following RCW 53.04.020.

RCW 53.12.010 Port commission—Number of commissioners, districts. (1) The powers of the port district shall be exercised through a port commission consisting of three or, when permitted by this title, five members. Every port district that is not coextensive with a county having a population of five hundred thousand or more shall be divided into the same number of commissioner districts as there are commissioner positions, each having approximately equal population, unless provided otherwise under subsection (2) of this section. Where a port district with three commissioner positions is coextensive with the boundaries of a county that has a population of

less than five hundred thousand and the county has three county legislative authority districts, the port commissioner districts shall be the county legislative authority districts. In other instances where a port district is divided into commissioner districts, the port commission shall divide the port district into commissioner districts unless the commissioner districts have been described pursuant to RCW 53.04.031. The commissioner districts shall be altered as provided in chapter 53.16 RCW.

Commissioner districts shall be used as follows: (a) Only a registered voter who resides in a commissioner district may be a candidate for, or hold office as, a commissioner of the commissioner district; and (b) only the voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire port district may vote at a general election to elect a person as a commissioner of the commissioner district.

(2) (a) In port districts with five commissioners, two of the commissioner districts may include the entire port district if approved by the voters of the district either at the time of formation or at a subsequent port district election at which the issue is proposed pursuant to a resolution adopted by the board of commissioners and delivered to the county auditor.

(b) In a port district with five commissioners, where two of the commissioner districts include the entire port district, the port district may be divided into five commissioner districts if proposed pursuant to a resolution adopted by the board of commissioners or pursuant to a petition by the voters and approved by the voters of the district at the next general or special election occurring sixty or more days after the adoption of the resolution. A petition proposing such an increase must be submitted to the county auditor of the county in which the port district is located and signed by voters of the port district at least equal in number to ten percent of the number of voters in the port district who voted at the last general election.

Upon approval by the voters, the commissioner district boundaries shall be redrawn into five districts prior to the first day of January in the year in which the two additional commissioners shall be elected and submitted to the county auditor pursuant to RCW 53.16.015. The new commissioner districts shall be numbered one through five and the three incumbent commissioners representing the three former districts shall represent commissioner districts one through three. The two at large incumbent commissioners shall represent commissioner districts four and five. If, as a result of redrawing the district boundaries more than one of the incumbent commissioners resides in one of the new commissioner districts, the commissioners who reside in the same commissioner district shall determine by lot which of the numbered commissioner districts they shall represent for the remainder of their respective terms. [2022 c 47 s 1; 2002 c 51 s 1; 1994 c 223 s 81; 1992 c 146 s 1; 1991 c 363 s 128; 1965 c 51 s 1; 1959 c 17 s 3. Prior: 1913 c 62 s 2; 1911 c 92 s 3; RRS s 9690.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

RCW 53.12.021 Elimination of commissioner districts. Any less than countywide port district that uses commissioner districts may cease using commissioner districts as provided in this section.

A ballot proposition authorizing the elimination of commissioner districts shall be submitted to the voters of a less than countywide port district that is divided into commissioner districts if (1) a petition is submitted to the port commission proposing that the port district cease using commissioner districts, that is signed by registered voters of the port district equal in number to at least ten percent of the number of voters who voted at the last district general election; or (2) the port commissioners adopt a resolution proposing that the port district cease using commissioner districts. The port commission shall transfer the petition or resolution immediately to the county auditor who shall, when a petition is submitted, review the signatures and certify its sufficiency. A ballot proposition authorizing the elimination of commissioner districts shall be submitted at the next district general election occurring sixty or more days after a petition with sufficient signatures was submitted. If the ballot proposition authorizing the port district to cease using commissioner districts is approved by a simple majority vote, the port district shall cease using commissioner districts at all subsequent elections. [1994 c 223 s 82.]

RCW 53.12.061 Elections to conform with general election law. All elections relating to a port district shall conform with general election law, except as expressly provided in Title 53 RCW. [1992 c 146 s 5.]

RCW 53.12.115 Increasing number of commissioners—Resolution, petition—Ballot proposition. A ballot proposition shall be submitted to the voters of any port district authorizing an increase in the number of port commissioners to five whenever the port commission adopts a resolution proposing the increase in number of port commissioners or a petition proposing such an increase has been submitted to the county auditor of the county in which the port district is located that has been signed by voters of the port district at least equal in number to ten percent of the number of voters in the port district who voted at the last general election. The ballot proposition shall be submitted at the next general or special election occurring sixty or more days after the petition was submitted or resolution was adopted.

At the next general or special election following the election in which an increase in the number of port commissioners was authorized, candidates for the two additional port commissioner positions shall be elected as provided in RCW 53.12.130, and the voters may be asked to approve the nomination of commissioners from district-wide commissioner districts as permitted in RCW 53.12.010(2). [1994 c 223 s 86; 1992 c 146 s 7.]

RCW 53.12.120 Increasing number of commissioners—Population requirements—Ballot proposition—Election of added commissioners. When the population of a port district that has three commissioners reaches five hundred thousand, in accordance with the latest United

States regular or special census or with the official state population estimate, there shall be submitted to the voters of the district, at the next district general election or at a special port election called for that purpose, the proposition of increasing the number of commissioners to five.

At the next district general election following the election in which an increase in the number of port commissioners was authorized, candidates for the two additional port commissioner positions shall be elected as provided in RCW 53.12.130. [1994 c 223 s 87; 1992 c 146 s 8; 1982 c 219 s 1; 1965 c 51 s 7; 1959 c 175 s 3; 1959 c 17 s 10. Prior: 1953 c 198 s 1; 1913 c 62 s 2, part; 1911 c 92 s 3, part; RRS s 9690, part.]

RCW 53.12.130 Increasing number of commissioners—Election of additional commissioners—Commencement and terms of office. Two additional port commissioners shall be elected at the next district general election following the election at which voters authorized the increase in port commissioners to five members.

The port commissioners shall divide the port district into five commissioner districts prior to the first day of January in the year in which the two additional commissioners shall be elected, unless the voters approved the nomination of the two additional commissioners from district-wide commissioner districts as permitted in RCW 53.12.010(2). The new commissioner districts shall be numbered one through five and the three incumbent commissioners shall represent commissioner districts one through three. If, as a result of redrawing the district boundaries two or three of the incumbent commissioners reside in one of the new commissioner districts, the commissioners who reside in the same commissioner district shall determine by lot which of the first three numbered commissioner districts they shall represent for the remainder of their respective terms. A primary shall be held to nominate candidates from districts four and five where necessary and commissioners shall be elected from commissioner districts four and five at the general election. The persons elected as commissioners from commissioner districts four and five shall take office immediately after qualification as defined under RCW 29A.04.133.

In a port district where commissioners are elected to four-year terms of office, the additional commissioner thus elected receiving the highest number of votes shall be elected to a four-year term of office and the other additional commissioner thus elected shall be elected to a term of office of two years, if the election is held in an odd-numbered year, or the additional commissioner thus elected receiving the highest number of votes shall be elected to a term of office of three years and the other shall be elected to a term of office of one year, if the election is held in an even-numbered year. In a port district where the commissioners are elected to six-year terms of office, the additional commissioner thus elected receiving the highest number of votes shall be elected to a six-year term of office and the other additional commissioner shall be elected to a four-year term of office, if the election is held in an odd-numbered year, or the additional commissioner receiving the highest number of votes shall be elected to a term of office of five-years and the other shall be elected to a three-year term of office, if the election is held in an even-numbered year. The length of terms of office shall be

computed from the first day of January in the year following this election.

Successor commissioners from districts four and five shall be elected to terms of either six or four years, depending on the length of terms of office to which commissioners of that port district are elected. [2022 c 47 s 2; 2015 c 53 s 79; 1994 c 223 s 88; 1992 c 146 s 9; 1965 c 51 s 8; 1959 c 17 s 11. Prior: 1953 c 198 s 2; 1913 c 62 s 2, part; 1911 c 92 s 3, part; RRS s 9690, part.]

RCW 53.12.135 Voluntary change to electoral system. The port commission may authorize a change to its electoral system pursuant to RCW 29A.92.040. [2018 c 113 s 209.]

Findings—Intent—Short title—2018 c 113: See RCW 29A.92.005 and 29A.92.900.

RCW 53.12.140 Vacancies. A vacancy in the office of port commissioner shall occur as provided in chapter 42.12 RCW or by nonattendance at meetings of the port commission for a period of sixty days unless excused by the port commission. A vacancy on a port commission shall be filled as provided in chapter 42.12 RCW. [1994 c 223 s 54; 1959 c 17 s 9. Prior: 1913 c 62 s 2, part; 1911 c 92 s 3, part; RRS s 9690, part.]

RCW 53.12.172 Port commissioner terms of office. (1) In every port district the term of office of each port commissioner shall be four years in each port district that is countywide with a population of one hundred thousand or more, or either six or four years in all other port districts as provided in RCW 53.12.175, and until a successor is elected and qualified and assumes office in accordance with RCW 29A.60.280.

(2) The initial port commissioners shall be elected at the same election as when the ballot proposition is submitted to voters authorizing the creation of the port district. If the port district is created the persons elected at this election shall serve as the initial port commission. No primary shall be held. The person receiving the greatest number of votes for commissioner from each commissioner district shall be elected as the commissioner of that district.

(3) The terms of office of the initial port commissioners shall be staggered as follows in a port district that is countywide with a population of one hundred thousand or more: (a) The two persons who are elected receiving the two greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year, or three-year terms of office if the election is held in an even-numbered year, and shall hold office until successors are elected and qualified and assume office in accordance with RCW 29A.60.280; and (b) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year, or a one-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29A.60.280.

(4) The terms of office of the initial port commissioners in all other port districts shall be staggered as follows: (a) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or to a five-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29A.60.280; (b) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or to a three-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29A.60.280; and (c) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29A.60.280.

(5) The initial port commissioners shall take office immediately after being elected and qualified, but the length of their terms shall be calculated from the first day in January in the year following their elections. [2015 c 53 s 80; 1994 c 223 s 85. Prior: 1992 c 146 s 2; (1992 c 146 s 14 repeal deleted by 1994 c 223 s 93); 1979 ex.s. c 126 s 34; 1951 c 68 s 2; prior: (i) 1935 c 133 s 2; RRS s 9691A-2. (ii) 1935 c 133 s 3; RRS s 9691A-3. (iii) 1935 c 133 s 4; RRS s 9691A-4. (iv) 1935 c 133 s 5; RRS s 9691A-5. (v) 1935 c 133 s 6; RRS s 9691A-6. (vi) 1935 c 133 s 7; RRS s 9691A-7.]

Purpose—1979 ex.s. c 126: See RCW 29A.60.280(1).

RCW 53.12.175 Reducing port commissioner terms—Ballot proposition. A ballot proposition to reduce the terms of office of port commissioners from six years to four years shall be submitted to the voters of any port district that otherwise would have commissioners with six-year terms of office upon either resolution of the port commissioners or petition of voters of the port district proposing the reduction in terms of office, which petition has been signed by voters of the port district equal in number to at least ten percent of the number of voters in the port district voting at the last general election. The petition shall be submitted to the county auditor. If the petition was signed by sufficient valid signatures, the ballot proposition shall be submitted at the next general election that occurs sixty or more days after the adoption of the resolution or submission of the petition.

If the ballot proposition reducing the terms of office of port commissioners is approved by a simple majority vote of the voters voting on the proposition, the commissioner or commissioners who are elected at that election shall be elected to four-year terms of office. The terms of office of the other commissioners shall not be reduced, but each successor shall be elected to a four-year term of office. [2013 c 160 s 1; 1994 c 223 s 89; 1992 c 146 s 3.]

RCW 53.12.176 Lengthening port commissioner terms—Ballot proposition. (1) A ballot proposition to lengthen the terms of office

of port commissioners from four years to six years must be submitted to the voters of any port district upon either resolution of the port commissioners or petition of voters of the port district proposing the increase in terms of office, which petition has been signed by voters of the port district equal in number to at least 10 percent of the number of voters in the port district voting at the last general election.

(2) The petition must be submitted to the county auditor. If the petition was signed by sufficient valid signatures, the ballot proposition must be submitted at the next general election that occurs 60 or more days after the adoption of the resolution or submission of the petition.

(3) If the ballot proposition lengthening the terms of office of port commissioners is approved by a simple majority vote of the voters voting on the proposition, the commissioner elected at that election is elected to a six-year term of office. The terms of office of the other commissioners are not lengthened.

(4) If two commissioners are elected in that election or the next subsequent general election, the commissioner thus elected receiving the highest number of votes is elected to a six-year term of office and the other commissioner is elected to a four-year term of office. Each successor commissioner is elected to six-year terms.

(5) This section does not apply to a port district that is required to maintain four-year terms under RCW 53.12.172 or to a port district that has five port commissioners. [2025 c 336 s 1.]

RCW 53.12.221 Terms—Districts covering entire county with populations of one hundred thousand or more. Port commissioners of countywide port districts with populations of one hundred thousand or more who are holding office as of June 11, 1992, shall retain their positions for the remainder of their terms until their successors are elected and qualified, and assume office in accordance with RCW 29A.60.280. Their successors shall be elected to four-year terms of office except as otherwise provided in RCW 53.12.130. [2015 c 53 s 81; 1992 c 146 s 4.]

RCW 53.12.245 Organization of commission—Powers and duties—Record of proceedings. The port commission shall organize by the election of its own members of a president and secretary, shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings of the port commission shall be by motion or resolution recorded in a book or books kept for such purpose, which shall be public records. [1955 c 348 s 6.]

Severability—1955 c 348: See note following RCW 53.08.120.

Public records: Title 40 RCW, chapter 42.56 RCW.

RCW 53.12.246 Quorum. A majority of the persons holding the office of port commissioner at any time shall constitute a quorum of the port 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 unless there are in office at least a majority of the full number of commissioners fixed by law. [1959 c 17 s 12. Prior: 1913 c 62 s 2, part; 1911 c 92 s 3, part; RRS s 9690.]

RCW 53.12.260 Compensation. (1) Each commissioner of a port district shall receive ninety dollars, as adjusted for inflation by the office of financial management in subsection (4) of this section, per day or portion thereof spent (a) in actual attendance at official meetings of the port district commission, or (b) in performance of other official services or duties on behalf of the district. The total per diem compensation of a port commissioner shall not exceed eight thousand six hundred forty dollars in a year, as adjusted for inflation by the office of financial management in subsection (4) of this section, or ten thousand eight hundred dollars in any year, as adjusted for inflation by the office of financial management in subsection (4) of this section, for a port district with gross operating income of twenty-five million or more in the preceding calendar year.

(2) Port commissioners shall receive additional compensation as follows: (a) Each commissioner of a port district with gross operating revenues of twenty-five million dollars or more in the preceding calendar year shall receive a salary of five hundred dollars per month, as adjusted for inflation by the office of financial management in subsection (4) of this section; and (b) each commissioner of a port district with gross operating revenues of from one million dollars to less than twenty-five million dollars in the preceding calendar year shall receive a salary of two hundred dollars per month, as adjusted for inflation by the office of financial management in subsection (4) of this section.

(3) In lieu of the compensation specified in this section, a port commission may set compensation to be paid to commissioners.

(4) For any commissioner who has not elected to become a member of public employees retirement system before May 1, 1975, the compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state nor shall attendance at such meetings or other service on behalf of the district constitute service as defined in RCW 41.40.010(37): PROVIDED, That in the case of a port district when commissioners are receiving compensation and contributing to the public employees retirement system, these benefits shall continue in full force and effect notwithstanding the provisions of this section and RCW 53.12.265.

The dollar thresholds for salaries and per diem compensation established in this section must be adjusted for inflation by the office of financial management every five years, beginning January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must

calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions. [2020 c 83 s 3; 2011 c 152 s 1; 2007 c 469 s 3; 1998 c 121 s 3; 1992 c 146 s 12; 1985 c 330 s 3; 1975 1st ex.s. c 187 s 1.]

RCW 53.12.265 Waiver of compensation. A commissioner of any port district may waive all or any portion of his or her compensation payable under RCW 53.12.260 as to any month or months during his or her term of office, by a written waiver filed with the secretary of the commission. 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. [2010 c 8 s 16004; 1975 1st ex.s. c 187 s 2.]

RCW 53.12.270 Delegation of powers to managing official of port district—Waiver of competitive bidding requirements. (1) The commission may delegate to the managing official of a port district such administrative powers and duties of the commission as it may deem proper for the efficient and proper management of port district operations. Any such delegation shall be authorized by appropriate resolution of the commission, which resolution must also establish guidelines and procedures for the managing official to follow.

(2) The commission shall establish, by resolution, policies to comply with RCW 39.04.280 that set forth the conditions by which competitive bidding requirements for public works contracts may be waived. [2008 c 130 s 18; 1975 1st ex.s. c 12 s 1.]