



Snohomish County Council

Committee: Committee of the Whole
ECAF: 2021-1049 & 2021-1050
Proposal: Mot. 21-460 & Mot. 21-461

Contact: Heidi Beazizo
Date: 12/8/2021

Consideration

Two motions are submitted for Council's consideration. The second motion, however, is dependent upon the actions Council may take with Motion 21-460.

1. Motion 21-460: Consider appointing a nominee from a list of nominees to fill the vacant State Senator position for State Legislative District 44.
2. Motion 21-461: Consider appointing a nominee from a list of nominees to fill a State Representative position for State Legislative District 44. This second motion will only be considered on December 15, 2021 if Representative John Lovick resigns from his position as State Representative.

Background

Steve Hobbs resigned from elected office as the State Senator in State Legislative District (LD) 44 with an effective date of November 10, 2021. The resignation leaves a vacancy in a term that expires on January 6, 2023.

Vacancies occurring in a partisan elective office shall be filled by appointment of a county legislative authority pursuant to Article II, Section 15 of the Constitution of the State of Washington and Snohomish County Charter Section 4.80. The boundaries of the 44th LD are entirely within the boundaries of Snohomish County; and, therefore, the LD is not a "joint legislative district." The only legislative body that may appoint a nominee to serve is the Snohomish County Council.

The person appointed must be:

1. From the same legislative district as the state senator whose office become vacated; and
2. Affiliated with the same party as the state senator whose office became vacated; and
3. Selected by a county legislative authority from a list of three nominees selected by the party county committee.

If a nominee is not appointed within sixty days of a vacancy occurring, then the governor appoints a nominee within the thirty days following the end of the first sixty days.

Nominees for Vacancy, State Senate

Following receipt of State Senator Hobb's resignation, the Democrat Party convened to select three nominees meeting the requirements of Article II, Section 15 of the State Constitution to fill the vacancy. Following the party's bylaws, the party submitted three names, in order of preference, as follows: John Lovick, Laura Hathaway and Greg Pratt.

As required by the State Constitution, each of the nominees: (1) resides in LD 44, (2) is affiliated with the same party as the state senator who resigned from office, and (3) was nominated by the appropriate party.

John Lovick is currently one of two state representatives in LD 44. A person may not serve as both a state representative and a state senator. If Council appoints Representative Lovick to the state senate position, he will be required to resign from the state representative position to accept the appointment. His resignation would leave a vacancy for State Representative in the 44th LD.

Nominees for Vacancy, State Representative

The Party submitted three nominees for State Representative for the Council to consider if the Council appoints Representative John Lovick to the position of State Senator. If Representative Lovick resigns during the meeting on December 15th, Council will have the option to proceed with the appointment process for state representative. The resignation leaves a vacancy in a term that expires on December 31, 2022.

Following the same process described in the "*Nominees for Vacancy, State Senate*" section above in this staff briefing, the Party submitted the following names as nominees for the potential vacancy for State Representative in the 44th LD: Sean Paddock, Brandy Donaghy and Joyce Copley.

As required by the State Constitution, each of the nominees: (1) resides in LD 44, (2) is affiliated with the same party as the state senator who resigned from office, and (3) was nominated by the appropriate party.

Questions & Interview

On December 8, 2021, nominees were asked to submit a one-page resume and responses to the following by December 13, 2021:

1. In 200 words or fewer, please describe your top priorities for the 44th Legislative District.
2. In 200 words or fewer, please describe your position for adopting policies that must be implemented on a local level without funding from the State, i.e. unfunded state mandates.
3. In 200 words or fewer, please describe how you would work collaboratively with both parties in Olympia?
4. The response to reduce the rate of spread of the COVID-19 virus has result in significant impacts to our economy. In 200 words or fewer, please describe the steps you plan to take to mitigate these impacts on private employers, residents and state/local government.

Written responses and resumes that were received by December 13, 2021 are attached to the record.

Process

At the meeting on December 15, 2021, each councilmember will be invited to ask additional questions of the nominees. The meeting will be done in a virtual setting that is open to the public. Following an introduction and public comment, all nominees have agreed to be placed "on hold" while other nominees are being interviewed by the Council.

State Senate Vacancy, Nomination Process Overview

Interviews for the State Senate vacancy will occur first. Each of the three nominees will be individually interviewed while the remaining two nominees for State Senator and the three

nominees for State Representative are placed "on hold." When the three nominees have been interviewed for State Senate, all nominees will be removed from "hold" and Council may consider moving into executive session, entering into discussion, and/or making a motion to appoint. If an appointment is not made by January 9, 2022, the nominees will be sent to the Governor and the Governor will have up to 30 days to appoint a nominee.

The appointee would serve as state senator until the certification of the November 2022 election at which point in time the person elected to serve in the position shall serve the remaining portion of the unexpired term and continue to serve in the term commencing January 1, 2023.

If State Representative John Lovick is appointed, Representative Lovick will have the opportunity to resign from the position of state representative during the meeting proceedings on December 15th. The resignation would take the form of an email to staff with State House of Representatives with a copy to the Snohomish County Council Chief of Staff and staff member Heidi Beazizo. Upon verification of receipt of the email, the resignation would become effective and a vacancy for state representative would immediately occur for state representative in the 44th LD.

State House Vacancy, Nomination Process Overview

If a vacancy occurs as described in the preceding section, then interviews will commence for the state representative vacancy with one nominee at a time being interviewed while the remaining two are placed "on hold." When all three nominees have been interviewed, all three will be removed from "hold" and Council may consider moving into executive session, entering into discussion, and/or making a motion to appoint. If an appointment is not made by February 13, 2022 the nominees will be sent to the Governor and the Governor will have up to 30 days to appoint a nominee.

The appointee would serve as state representative until the certification of the November 2022 election at which point in time the person elected to serve in the position shall serve the remaining portion of the unexpired term and continue to serve in the term commencing January 1, 2023.

Oath of Office

The person who is appointed will be responsible for completing the Oath of Office process. The County does not make arrangements for this process. The Oath of Office must be administered before an appointee can assume the office.

Approved-as-to-form: N/A.

Risk Management: N/A.

Executive Recommendation: N/A.