

Chapter 8

Assuming Office

To do list: File for office – check. Campaign – check. Get the most votes – check. Survive any challenges – check. So, what's next? Qualifying and assuming office.

“Qualified”

Before assuming office, the winning candidate must be “qualified” to assume office.¹¹⁹ For purposes of the election statutes, the term “qualified” means:

- (1) The election results have been certified;
- (2) An election certificate has been issued;
- (3) Any required bond has been posted; and
- (4) The winner has taken the oath of office.¹²⁰

A Bond Has Been Posted

Official bonds, conditioned upon the faithful performance of the duties of office, may be required for some elective offices.¹²¹ Failure to execute a bond if required, prevents the person elected from assuming office and results in the incumbent officer “holding over” (continuing in office until a successor is qualified).¹²²

¹¹⁹See, e.g., RCW 35A.12.040. Incumbent councilmembers in code cities serve terms of four years and “until their successors are elected and qualified and assume office” according to RCW 29A.60.280. See also, RCW 35.23.051, RCW 35.27.090, and RCW 36.16.020.

¹²⁰RCW 29A.04.133.

¹²¹See RCW 35.23.081; RCW 35.27.120; RCW 35A.12.080; RCW 29A.04.133; and RCW 35A.13.160; RCW 36.16.050. Bond requirements are set out in chapter 42.08 RCW. The amount of the required bond is either specified by statute (see, e.g., RCW 36.16.050) or by ordinance passed by the legislative body. See RCW 35.23.081, RCW 35.27.120, RCW 35A.12.080, and RCW 35A.13.160.

¹²²AGLO 1980 No. 2.

Oath of Office

The last step in qualifying is the taking of an oath.¹²³

When Is the Oath of Office Given?

A newly elected official will typically begin his or her term on the first day of January following an election; the oath may be given up to 10 days prior to the date of assuming office or at the last regular meeting held before the person elected is to assume office.¹²⁴

Failure to execute a bond prevents the person elected from assuming office.

If an elective nonpartisan office has been filled by appointment to fill a vacancy, the incumbent remains in office only until his or her successor is elected at the next election at which a member of the governing body normally would be elected, if that election occurs 28 or more days after the occurrence of the vacancy. The person elected at that election serves during the “short term,” the period that starts when the election is certified and ends at the start of the full term in January.¹²⁵ When a person is elected to a short term, he or she takes the oath and assumes office immediately after becoming qualified.¹²⁶ The

¹²³RCW 29A.60.280; see also, RCW 29A.04.133(4); RCW 35.23.181; RCW 35.27.120; RCW 35A.12.080; and RCW 35A.13.160.

¹²⁴RCW 29A.60.280.

¹²⁵RCW 29A.04.169; Irrigation District directors assume office on the first Tuesday in January. RCW 87.03.080.

¹²⁶RCW 42.12.070(6). For partisan county offices, the person appointed to fill the vacancy remains in office until elected to fill a vacancy serves for the remainder of the term. RCW 42.12.040.