SENATE BILL REPORT
SB 5716

As Reported by Senate Committee On:
Government Operations & Elections, February 19, 2009

Title: An act relating to election requirements for the creation of municipal wards.

Brief Description: Regarding election requirements for the creation of municipal wards.

Sponsors: Senator McCaslin.

Brief History:
     Committee Activity: Government Operations & Elections: 2/17/09, 2/19/09 [DPS, w/ oRec].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5716 be substituted therefor, and the substitute bill do pass.
     Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; McDermott and Pridemore.

Minority Report: That it be referred without recommendation.
     Signed by Senator Benton.

Staff: Aaron Gutierrez (786-7448)

Background: Cities may be classified as code cites or noncode cities and towns. Code cities have broad statutory home rule authority in matters of local concern. Code cities and noncode cities and towns have separate statutory requirements for governance and operation.

Subject to statutory requirements, the council of a noncharter code city may divide the city into wards or modify the boundaries of existing wards. Except as otherwise provided, changes in the boundaries of wards may not affect the term of any councilmember, and councilmembers must serve out their terms in the wards of their residences at the time of their elections. The representation of each ward in the city council must be in proportion to the population, as nearly as is practicable.

Only a resident of the ward may be a candidate for or hold office as a councilmember of the ward. Additionally, only voters of the ward may vote at a primary to nominate candidates for

a councilmember of the ward. Except as provided otherwise, the voters of the entire city may vote at the general election to elect a councilmember of a ward.

Wards redrawn by a city council must be redrawn as provided in statutory redistricting provisions for counties, municipal corporations, and special purpose districts.

Summary of Bill (Recommended Substitute): The city may be divided into wards, and boundaries of wards may be changed only by a majority vote at an election.

The election may be initiated, either by resolution of the council, or by petition signed by registered voters in numbers equal to at least 10 percent of the votes in the last municipal general election.

Wards may not be created or modified less than three months before a municipal general election.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Substitute): Wards may be created or changed by election, rather than by the qualified electors. The election may be initiated by petition of the voters, or by resolution of the council.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: It is possible in the city of Spokane Valley to elect seven people from the same apartment house to the city council. The bill would help spread out the city's elected representatives.

CON: Of the 281 cities and towns in Washington, 186 are noncharter code cities. Of these, only 12 have wards. Overall, there are 23 cities or towns with wards. The current practice involves the council establishing wards, with the option of putting it on a ballot before the people. "Electors from the city" could mean as few as two people could get the issue on the ballot as often as they'd like.

Persons Testifying: PRO: Senator McCaslin, prime sponsor.

CON: Tammy Fellin, Association of Washington Cities.