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SENATE BILL 5804

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Williams, Owen and Haugen

Read first time 02/15/93. Referred to Committee on Government Operations.

1 AN ACT Relating to local government proportional representation;  
2 and amending RCW 29.15.130, 29.18.010, 29.21.010, 29.21.015,  
3 35A.12.040, and 35A.29.105.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 29.15.130 and 1990 c 59 s 79 are each amended to read  
6 as follows:

7 Not less than thirty days before the first day for filing  
8 declarations of candidacy under RCW 29.15.020 for legislative,  
9 judicial, county, city, town, or district office, where more than one  
10 position with the same name, district number, or title will be voted  
11 upon at the succeeding election, the filing officer shall designate the  
12 positions to be filled by number.

13 The positions so designated shall be dealt with as separate offices  
14 for all election purposes, except where the city, town, or district has  
15 chosen to use a proportional representation electoral system. With the  
16 exception of the office of justice of the supreme court, the position  
17 numbers shall be assigned, whenever possible, to reflect the position  
18 numbers that were used to designate the same positions at the last  
19 full-term election for those offices.

1       **Sec. 2.** RCW 29.18.010 and 1990 c 59 s 78 are each amended to read  
2 as follows:

3       Candidates for the following offices shall be nominated at partisan  
4 primaries held pursuant to the provisions of this chapter:

5       (1) Congressional offices;

6       (2) All state offices except (a) judicial offices and (b) the  
7 office of superintendent of public instruction;

8       (3) All county offices except (a) judicial offices and (b) those  
9 offices where a county home rule charter provides otherwise.

10       This chapter does not apply where a proportional representation or  
11 preferential voting electoral system is used by city governments,  
12 boards of education, and other local governmental bodies to elect their  
13 governmental representatives.

14       **Sec. 3.** RCW 29.21.010 and 1990 c 59 s 89 are each amended to read  
15 as follows:

16       All cities and towns shall hold primary elections except where a  
17 proportional representation voting or preferential voting electoral  
18 system has been selected by the citizens or governing bodies of these  
19 cities to be used to elect their governmental representatives. All  
20 city and town primaries shall be nonpartisan. Primaries for special  
21 purpose districts, except those districts that require ownership of  
22 property within the district as a prerequisite to voting, shall be  
23 nonpartisan. City, town, and district primaries shall be held as  
24 provided in RCW 29.13.070.

25       The purpose of this section is to establish the holding of a  
26 primary, subject to the exemptions in RCW 29.21.015, as a uniform  
27 procedural requirement to the holding of city, town, and district  
28 elections. These provisions supersede any and all other statutes,  
29 whether general or special in nature, having different election  
30 requirements.

31       **Sec. 4.** RCW 29.21.015 and 1990 c 59 s 90 are each amended to read  
32 as follows:

33       No primary may be held for any single position in any city, town,  
34 or district, as required by RCW 29.21.010, if(()):

35       (1) That city, town, or district elects its governmental  
36 representatives by proportional representation or preferential voting  
37 electoral system; or

1       (2) After the last day allowed for candidates to withdraw, there  
2 are no more than two candidates filed for the position. The county  
3 auditor shall, as soon as possible, notify all the candidates so  
4 affected that the office for which they filed will not appear on the  
5 primary ballot. Names of candidates so notified shall be printed upon  
6 the general election ballot in the manner specified by RCW 29.30.025.

7       **Sec. 5.** RCW 35A.12.040 and 1979 ex.s. c 18 s 21 are each amended  
8 to read as follows:

9       Officers shall be elected at biennial municipal elections to be  
10 conducted as provided in chapter 35A.29 RCW. The mayor and the  
11 councilmen shall be elected for four year terms and until their  
12 successors are elected and qualified; except that at any first election  
13 three councilmen in cities having seven councilmen, and two councilmen  
14 in cities having five councilmen, shall be elected for two year terms  
15 and the remaining councilmen shall be elected for four year terms. At  
16 any first election upon reorganization, council members shall be  
17 elected as provided in RCW 35A.02.050. Thereafter the requisite number  
18 of councilmen shall be elected biennially as the terms of their  
19 predecessors expire and shall serve for terms of four years. The  
20 positions to be filled on the city council shall be designated by  
21 consecutive numbers and shall be dealt with as separate offices for all  
22 election purposes, as provided in RCW 35A.29.105, except where the city  
23 has chosen to use a proportional representation electoral system. In  
24 any city which holds its first election under this title in the  
25 calendar year 1970, candidates elected for two year terms shall hold  
26 office until their successors are elected and qualified at the general  
27 municipal election to be held in November, 1973 and candidates elected  
28 for four year terms shall hold office until their successors are  
29 elected and qualified at the general municipal election to be held in  
30 November, 1975. Election to positions on the council shall be by  
31 majority vote from the city at large, unless provision is made by  
32 charter or ordinance for election by wards. The city council shall be  
33 the judge of the qualifications of its members and determine contested  
34 elections of city officers, subject to review by certiorari as provided  
35 by law. The mayor and councilmen shall qualify by taking an oath or  
36 affirmation of office and as may be provided by law, charter, or  
37 ordinance.

1       **Sec. 6.** RCW 35A.29.105 and 1990 c 59 s 106 are each amended to  
2 read as follows:

3       Positions to be filled on the council of code cities operating  
4 under the mayor-council or council-manager plan of government shall be  
5 numbered consecutively and treated as separate offices for all election  
6 purposes as provided in RCW 29.15.130, except where the city has chosen  
7 to use a proportional representation electoral system.

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