**1745-S2 AMH MANW H4114.1 - NOT FOR FLOOR USE**

**2SHB 1745** - H AMD **610**

By Representative Manweller

**NOT ADOPTED 02/04/2016**

Strike everything after the enacting clause and insert the following:

"**Sec.**  RCW 35.18.020 and 2015 c 53 s 32 are each amended to read as follows:

(1) The number of councilmembers in a city or town operating with a council-manager plan of government shall be based upon the latest population of the city or town that is determined by the office of financial management as follows:

(a) A city or town having not more than two thousand inhabitants, five councilmembers; and

(b) A city or town having more than two thousand, seven councilmembers.

(2) Except for the initial staggering of terms, if applicable, councilmembers shall serve for four-year terms of office. All councilmembers shall serve until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280. Councilmembers may be elected on a citywide or townwide basis, or from wards or districts, or any combination of these alternatives. Candidates shall run for specific positions. Wards or districts shall be redrawn as provided in chapter 29A.76 RCW. Wards or districts shall be used as follows: (a) Only a resident of the ward or district may be a candidate for, or hold office as, a councilmember of the ward or district; and (b) only voters of the ward or district may vote at a primary to nominate candidates for a councilmember of the ward or district. Voters of the entire city or town may vote at the general election to elect a councilmember of a ward or district, unless the city or town ((~~had prior to January 1, 1994, limited~~)) council has adopted an ordinance or the voters of the city or town have approved an initiative limiting the voting in the general election for any or all council positions to only voters residing within the ward or district associated with the council positions. ((~~If a city or town had so limited the voting in the general election to only voters residing within the ward or district, then the city or town shall be authorized to continue to do so.~~))

(3) When a city or town has qualified for an increase in the number of councilmembers from five to seven by virtue of the next succeeding population determination made by the office of financial management, two additional council positions shall be filled at the next municipal general election ((~~with~~)). If the voting at the election includes voters of the entire city and if the council positions are to be staggered terms, the person elected to one of the new council positions receiving the greatest number of votes ((~~being elected for~~)) shall serve a four-year term of office, and the person elected to the other additional council position ((~~being elected for~~)) shall serve a two-year term of office. The two additional councilmembers shall assume office immediately when qualified in accordance with RCW 29A.04.133, but the term of office shall be computed from the first day of January after the year in which they are elected. Their successors shall be elected to four-year terms of office. The city or town may redistrict and create seven wards by ordinance or, if authorized, voter initiative, and conduct the appointment and election of the new councilmembers within the wards.

Prior to the election of the two new councilmembers, the city or town council shall fill the additional positions by appointment not later than forty-five days following the release of the population determination, and each appointee shall hold office only until the new position is filled by election.

(4) When a city or town has qualified for a decrease in the number of councilmembers from seven to five by virtue of the next succeeding population determination made by the office of financial management, two council positions shall be eliminated at the next municipal general election if four council positions normally would be filled at that election, or one council position shall be eliminated at each of the next two succeeding municipal general elections if three council positions normally would be filled at the first municipal general election after the population determination. The council shall by ordinance indicate which, if any, of the remaining positions shall be elected at-large or from wards or districts. The city or town may redistrict and create five wards by ordinance or, if authorized, voter initiative, and conduct the appointment and election of the new councilmembers within the wards.

(5) Vacancies on a council shall occur and shall be filled as provided in chapter 42.12 RCW.

(6) Any city or town may by ordinance or, if authorized, voter initiative, adopt a voting system for voters of the entire city or town at the general election for multiple council positions to:

(a) Limit the selection of candidates to fewer candidates than there are council positions to elect;

(b) Cumulate the number of votes a voter is entitled to cast for each council position, and to cast the total number of votes in favor of a single candidate or to distribute the total number of votes among multiple candidates; or

(c) Vote in a single transferable voting system where voters rank each candidate in order of preference, with their vote counting towards the highest ranked candidate, and preferences allocated among other candidates who are not elected on first place votes.

(7) If a city or town adopts a multiple council position alternative voting system described in subsection (6) of this section up to one hundred eighty days before a general election, it may subject any affected unexpired position to new elections at the next general election.

**Sec.**  RCW 35.23.051 and 2015 c 53 s 39 are each amended to read as follows:

General municipal elections in second‑class cities shall be held biennially in the odd-numbered years and shall be subject to general election law.

The terms of office of the mayor, city attorney, clerk, and treasurer shall be four years and until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280: PROVIDED, That if the offices of city attorney, clerk, and treasurer are made appointive, the city attorney, clerk, and treasurer shall not be appointed for a definite term: PROVIDED FURTHER, That the term of the elected treasurer shall not commence in the same biennium in which the term of the mayor commences, nor in which the terms of the city attorney and clerk commence if they are elected.

Council positions shall be numbered in each second‑class city so that council position seven has a two-year term of office and council positions one through six shall each have four-year terms of office. Each councilmember shall remain in office until a successor is elected and qualified and assumes office in accordance with RCW 29A.60.280.

In its discretion the council of a second‑class city may divide the city by ordinance, into a convenient number of wards, not exceeding six, fix the boundaries of the wards, and change the ward boundaries from time to time and as provided in RCW 29A.76.010. No change in the boundaries of any ward shall be made within one hundred twenty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. However, if a boundary change results in one ward being represented by more councilmembers than the number to which it is entitled, those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of determining whether those positions are vacant.

Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmembers to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmembers so designated shall be elected by the voters resident in such ward, or by general vote of the whole city as may be designated in such ordinance. Council position seven shall not be associated with a ward and the person elected to that position may reside anywhere in the city and voters throughout the city may vote at a primary to nominate candidates for position seven, when a primary is necessary, and at a general election to elect the person to council position seven. Additional territory that is added to the city shall, by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilmember from the ward for which he or she was elected shall create a vacancy in such office.

Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city ((~~had prior to January 1, 1994, limited~~)) council has adopted an ordinance or, if authorized, the voters of the city have approved an initiative limiting the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. ((~~If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so.~~)) The elections for ((~~the~~)) any remaining council position or council positions that are not associated with a ward shall be conducted as if the wards did not exist.

**Sec.**  RCW 35.23.850 and 2015 c 53 s 41 are each amended to read as follows:

In any city initially classified as a second‑class city prior to January 1, 1993, that retained its second‑class city plan of government when the city reorganized as a noncharter code city, the city council may divide the city into wards, not exceeding six in all, or change the boundaries of existing wards at any time less than one hundred twenty days before a municipal general election. No change in the boundaries of wards shall affect the term of any councilmember, and councilmembers shall serve out their terms in the wards of their residences at the time of their elections. However, if these boundary changes result in one ward being represented by more councilmembers than the number to which it is entitled, those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of determining whether those positions are vacant and shall serve until a ward resident is elected.

The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable.

Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city ((~~had prior to January 1, 1994, limited~~)) council has adopted an ordinance or, if authorized, the voters of the city have approved an initiative limiting the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. ((~~If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so.~~)) The elections for ((~~the~~)) any remaining council position or council positions that are not associated with a ward shall be conducted as if the wards did not exist.

NEW SECTION. **Sec.**  A new section is added to chapter 35.23 RCW to read as follows:

(1) Any city subject to this chapter may by ordinance or, if authorized, voter initiative, adopt a voting system for voters of the entire city at the general election for multiple council positions to:

(a) Limit the selection of candidates to fewer candidates than there are council positions to elect;

(b) Cumulate the number of votes a voter is entitled to cast for each council position, and to cast the total number of votes in favor of a single candidate or to distribute the total number of votes among multiple candidates; or

(c) Vote in a single transferable voting system where voters rank each candidate in order of preference, with their vote counting towards the highest ranked candidate, and preferences allocated among other candidates who are not elected on first place votes.

(2) If a city adopts a multiple council position alternative voting system described in this section up to one hundred eighty days before a general election, it may subject any affected unexpired position to new elections at the next general election.

**Sec.**  RCW 35.30.080 and 2015 c 53 s 42 are each amended to read as follows:

(1) When a majority of the legislative body of an unclassified city determines that it would serve the best interests and general welfare of such municipality to change the election procedures of such city to the procedures specified in this section, such legislative body may, by resolution, declare its intention to adopt such procedures for the city. Such resolution must be adopted at least one hundred eighty days before the general municipal election at which the new election procedures are implemented. Within ten days after the passage of the resolution, the legislative body shall cause it to be published at least once in a newspaper of general circulation within the city.

(2) All general municipal elections in an unclassified city adopting a resolution under subsection (1) of this section shall be held biennially in the odd-numbered years as provided in RCW 29A.04.330 and shall be held in accordance with the general election laws of the state.

The term of the treasurer shall not commence in the same biennium in which the term of the mayor commences. Candidates for the city council shall run for specific council positions. The staggering of terms of city officers shall be established at the first election, where the simple majority of the persons elected as councilmembers receiving the greatest numbers of votes shall be elected to four-year terms of office and the remainder of the persons elected as councilmembers and the treasurer shall be elected to two-year terms of office. Thereafter, all elected city officers shall be elected for four-year terms and until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280.

(3) An unclassified city may adopt a voting system for multiple council positions in accordance with section 4 of this act, and may eliminate the staggered terms of council positions in order to implement such a multiple council position voting system. If a city adopts a multiple council position voting system up to one hundred eighty days before a general election, it may subject any affected unexpired position to new elections at the next general election.

NEW SECTION. **Sec.**  A new section is added to chapter 35A.02 RCW to read as follows:

A code city may adopt a voting system for multiple council positions in accordance with RCW 35A.29.151.

**Sec.**  RCW 35A.12.180 and 2015 c 53 s 53 are each amended to read as follows:

At any time not within three months previous to a municipal general election the council of a noncharter code city organized under this chapter may divide the city into wards or change the boundaries of existing wards. No change in the boundaries of wards shall affect the term of any councilmember, and councilmembers shall serve out their terms in the wards of their residences at the time of their elections: PROVIDED, That if this results in one ward being represented by more councilmembers than the number to which it is entitled those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of those positions being vacant and shall serve until a ward resident is elected. The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable.

Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city ((~~had prior to January 1, 1994, limited~~)) council has adopted an ordinance or, if authorized, the voters of the city have approved an initiative limiting the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. ((~~If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so.~~))

NEW SECTION. **Sec.**  A new section is added to chapter 35A.12 RCW to read as follows:

A city may adopt a voting system for multiple council positions in accordance with RCW 35A.29.151.

**Sec.**  RCW 35A.29.151 and 1994 c 223 s 41 are each amended to read as follows:

(1) Elections for code cities shall comply with general election law.

(2) A code city may by ordinance or, if authorized, voter initiative, adopt a voting system for voters of the entire city at the general election for multiple council positions to:

(a) Limit the selection of candidates to fewer candidates than there are council positions to elect;

(b) Cumulate the number of votes a voter is entitled to cast for each council position, and to cast the total number of votes in favor of a single candidate or to distribute the total number of votes among multiple candidates; or

(c) Vote in a single transferable voting system where voters rank each candidate in order of preference, with their vote counting towards the highest ranked candidate, and preferences allocated among other candidates who are not elected on first place votes.

(3) If a code city adopts a multiple council position alternative voting system described in this section up to one hundred eighty days before a general election, it may subject any affected unexpired position to new elections at the next general election.

**Sec.**  RCW 36.32.030 and 2015 c 53 s 63 are each amended to read as follows:

The terms of office of county commissioners shall be four years and until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280((~~: PROVIDED, That~~)). The terms ((~~shall~~)) may be staggered so that either one or two commissioners are elected at a general election held in an even-numbered year, or aligned so that all commissioners are elected in a general election held in even-numbered years.

**Sec.**  RCW 36.32.050 and 2009 c 549 s 4063 are each amended to read as follows:

(1) County commissioners shall be elected by the qualified voters of the county and the person receiving the highest number of votes for the office of commissioner for the district in which he or she resides shall be declared duly elected from that district, unless the county has adopted an ordinance or, if authorized, the voters of the county have approved an initiative limiting voting in the general election to the voters of each district.

(2) In any general election for two or more commissioner positions, the county may adopt a voting system that allows voters to:

(a) Limit the selection of candidates to fewer candidates than there are commissioner positions to elect;

(b) Cumulate the number of votes a voter is entitled to cast for each commissioner position, and to cast the total number of votes in favor of a single candidate or to distribute the total number of votes among multiple candidates; or

(c) Vote in a single transferable voting system where voters rank each candidate in order of preference, with their vote counting towards the highest ranked candidate, and preferences allocated among other candidates who are not elected on first place votes.

(3) If a county adopts a multiple commissioner position alternative voting system as described in this section up to one hundred eighty days before a general election, it may subject any affected unexpired position to new elections at the next general election.

**Sec.**  RCW 36.32.0556 and 1990 c 252 s 5 are each amended to read as follows:

(1) Subject to subsection (2) of this section, the commissioners in a five-member board of county commissioners shall be elected to four-year staggered terms. Each commissioner shall reside in a separate commissioner district. Each commissioner shall be nominated from a separate commissioner district by the voters of that district. Each shall be elected by the voters of the entire county, unless the commission has adopted an ordinance or, if authorized, the voters of the county have approved an initiative limiting voting in the general election to the voters of each district. Three members of a five-member board of commissioners shall constitute a quorum to do business.

(2) A county may adopt a voting system for multiple commissioner positions in accordance with RCW 36.32.050."

Correct the title.

EFFECT: (1) Strikes all existing language;

(2) Removes current restrictions for cities and counties to adopt a district-based election system; and

(3) Authorizes code cities, second-class cities, towns, and noncharter counties to adopt alternative at-large voting methods, including limited voting, cumulative voting, and single transferable voting.