

2SHB 1745 - H AMD 610

By Representative Manweller

NOT ADOPTED 02/04/2016

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 35.18.020 and 2015 c 53 s 32 are each amended to  
4 read as follows:

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

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

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

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

1 ~~to only voters residing within the ward or district, then the city or~~  
2 ~~town shall be authorized to continue to do so.))~~

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

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

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

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

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

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

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

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

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

21 **Sec. 2.** RCW 35.23.051 and 2015 c 53 s 39 are each amended to  
22 read as follows:

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

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

35 Council positions shall be numbered in each second-class city so  
36 that council position seven has a two-year term of office and council  
37 positions one through six shall each have four-year terms of office.  
38 Each councilmember shall remain in office until a successor is

1 elected and qualified and assumes office in accordance with RCW  
2 29A.60.280.

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

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

33 Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards  
34 shall be used as follows: (1) Only a resident of the ward may be a  
35 candidate for, or hold office as, a councilmember of the ward; and  
36 (2) only voters of the ward may vote at a primary to nominate  
37 candidates for a councilmember of the ward. Voters of the entire city  
38 may vote at the general election to elect a councilmember of a ward,  
39 unless the city (~~had prior to January 1, 1994, limited~~) council has  
40 adopted an ordinance or, if authorized, the voters of the city have

1 approved an initiative limiting the voting in the general election  
2 for any or all council positions to only voters residing within the  
3 ward associated with the council positions. (~~(If a city had so~~  
4 ~~limited the voting in the general election to only voters residing~~  
5 ~~within the ward, then the city shall be authorized to continue to do~~  
6 ~~so.)~~) The elections for (~~(the)~~) any remaining council position or  
7 council positions that are not associated with a ward shall be  
8 conducted as if the wards did not exist.

9 **Sec. 3.** RCW 35.23.850 and 2015 c 53 s 41 are each amended to  
10 read as follows:

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

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

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

1 ~~limited the voting in the general election to only voters residing~~  
2 ~~within the ward, then the city shall be authorized to continue to do~~  
3 ~~so.))~~ The elections for ((the)) any remaining council position or  
4 council positions that are not associated with a ward shall be  
5 conducted as if the wards did not exist.

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.23  
7 RCW to read as follows:

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

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

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

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

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

26 **Sec. 5.** RCW 35.30.080 and 2015 c 53 s 42 are each amended to  
27 read as follows:

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

1 (2) All general municipal elections in an unclassified city  
2 adopting a resolution under subsection (1) of this section shall be  
3 held biennially in the odd-numbered years as provided in RCW  
4 29A.04.330 and shall be held in accordance with the general election  
5 laws of the state.

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

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

24 NEW SECTION. Sec. 6. A new section is added to chapter 35A.02  
25 RCW to read as follows:

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

28 **Sec. 7.** RCW 35A.12.180 and 2015 c 53 s 53 are each amended to  
29 read as follows:

30 At any time not within three months previous to a municipal  
31 general election the council of a noncharter code city organized  
32 under this chapter may divide the city into wards or change the  
33 boundaries of existing wards. No change in the boundaries of wards  
34 shall affect the term of any councilmember, and councilmembers shall  
35 serve out their terms in the wards of their residences at the time of  
36 their elections: PROVIDED, That if this results in one ward being  
37 represented by more councilmembers than the number to which it is  
38 entitled those having the shortest unexpired terms shall be assigned

1 by the council to wards where there is a vacancy, and the  
2 councilmembers so assigned shall be deemed to be residents of the  
3 wards to which they are assigned for purposes of those positions  
4 being vacant and shall serve until a ward resident is elected. The  
5 representation of each ward in the city council shall be in  
6 proportion to the population as nearly as is practicable.

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

21 NEW SECTION. Sec. 8. A new section is added to chapter 35A.12  
22 RCW to read as follows:

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

25 **Sec. 9.** RCW 35A.29.151 and 1994 c 223 s 41 are each amended to  
26 read as follows:

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

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

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

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



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

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

9 **Sec. 10.** RCW 36.32.030 and 2015 c 53 s 63 are each amended to  
10 read as follows:

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

18 **Sec. 11.** RCW 36.32.050 and 2009 c 549 s 4063 are each amended to  
19 read as follows:

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

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

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

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

36 (c) Vote in a single transferable voting system where voters rank  
37 each candidate in order of preference, with their vote counting

1 towards the highest ranked candidate, and preferences allocated among  
2 other candidates who are not elected on first place votes.

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

8 **Sec. 12.** RCW 36.32.0556 and 1990 c 252 s 5 are each amended to  
9 read as follows:

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

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

23 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.

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