

HOUSE BILL 1156

State of Washington

67th Legislature

2021 Regular Session

By Representatives Harris-Talley, Gregerson, Shewmake, Ormsby, Chopp, Lekanoff, Davis, Frame, Macri, Duerr, Pollet, Goodman, Berg, Taylor, Walsh, Rule, Ortiz-Self, Berry, Peterson, Thai, Wicks, Bateman, J. Johnson, Simmons, Fitzgibbon, Ramel, and Dolan

Read first time 01/12/21. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to increasing representation and voter
2 participation in local elections; amending RCW 29A.60.221,
3 29A.52.112, 29A.52.210, 29A.52.220, 29A.24.010, 36.32.040, 36.32.050,
4 35A.12.040, 28A.343.320, 29A.04.330, 35.17.020, 35.18.270, 35.23.051,
5 35.27.090, 35.30.080, 35.61.050, 35A.02.050, 36.32.030, 36.32.0554,
6 36.69.070, 36.69.090, 36.93.051, 36.93.061, 29A.92.070, 29A.92.080,
7 and 29A.92.130; reenacting and amending RCW 29A.36.170; adding a new
8 section to chapter 29A.52 RCW; adding new sections to chapter 29A.04
9 RCW; adding a new section to chapter 52.14 RCW; adding a new section
10 to chapter 53.12 RCW; creating new sections; repealing RCW
11 29A.04.127; providing an effective date; and providing an expiration
12 date.

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

14 **PART I**
15 **RANKED CHOICE VOTING**

16 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.52
17 RCW to read as follows:

18 (1) Except as provided in subsections (2) and (3) of this
19 section, a county, city, town, school district, fire district, or
20 port district may conduct its elections using ranked choice voting. A

1 county, city, town, school district, fire district, or port district
2 that adopts ranked choice voting may, but need not, use ranked choice
3 voting for all offices in an election.

4 (2) A city, town, school district, fire district, or port
5 district that has voters in more than one county may conduct an
6 election using ranked choice voting only if:

7 (a) Another city, town, or district that lies entirely within at
8 least two of the counties in which the city, town, or district has
9 voters uses ranked choice voting; or

10 (b) A court orders the use of ranked choice voting as provided in
11 this section as a remedy under RCW 29A.92.110.

12 (3) Ranked choice voting may not be used in an election for an
13 office for which two or fewer candidates are competing.

14 (4) An election using ranked choice voting must meet the
15 following requirements:

16 (a) The county auditor shall design the ballot to allow a voter
17 to rank the candidates for a particular office in order of
18 preference, including one write-in candidate;

19 (b) The county auditor must allow a voter to rank at least five
20 candidates per office. The secretary of state must adopt rules that
21 determine the maximum number of candidates per office that a voter is
22 allowed to rank on a ballot;

23 (c) A voter does not need to rank the maximum number of
24 candidates. The county auditor shall count a ballot regardless of how
25 many candidates the voter has ranked. The county auditor shall not
26 assign votes for rankings made by a voter that are greater than the
27 maximum number of rankings allowed for each office;

28 (d) If a voter skips one or more numbers in ranking candidates,
29 or ranks an invalid write-in candidate, the county auditor shall
30 assign any votes after the skipped number to the voter's next-highest
31 ranked candidates as if the voter had not skipped the number;

32 (e) If a voter provides the same number ranking to more than one
33 candidate, the county auditor may not assign that vote ranking to any
34 candidate and may not assign a vote for any subsequent number ranking
35 for that office;

36 (f) If the election is a single-winner contest, including an
37 election in which multiple positions with the same name, district
38 number, or title are dealt with as separate offices, the winner of
39 each contest must be determined using the instant runoff voting
40 method, as defined in this section and further provided in secretary

1 of state rules. If the election is a multiple-winner contest in which
2 the positions are not dealt with as separate offices, the winners
3 must be determined using the single transferable vote method, as
4 defined in this section and further provided in secretary of state
5 rules;

6 (g) If the requisite number of officers have not been elected, or
7 selected to continue to further rounds of vote tabulation, by reason
8 of two or more persons having an equal and highest number of votes
9 for the same office, the official empowered by state law to issue the
10 original certificate of election shall resolve the tie using the tie-
11 breaking method selected by the county, city, town, or district as
12 provided in RCW 29A.60.221.

13 (5) A county, city, town, or district that conducts an election
14 using ranked choice voting must either:

15 (a) Eliminate the primary for the election; or

16 (b) Hold a primary using the single transferable vote method to
17 winnow candidates for the election to a final list of five
18 candidates.

19 (6) A county, city, town, or district that adopts ranked choice
20 voting before 2022 shall implement ranked choice voting for elections
21 beginning in 2024. A county, city, town, or district that adopts
22 ranked choice voting during or after 2022 must implement ranked
23 choice voting within two years following its adoption.

24 (7) The county auditor whose county encompasses a county, city,
25 town, or district that adopts ranked choice voting shall assist with
26 the implementation of the system. If a city, town, or district has
27 voters in two or more counties, each county auditor in which the
28 city, town, or district has voters shall assist with implementation.

29 (8) The secretary of state, before July 1, 2023, and in
30 consultation with the ranked choice voting work group created in
31 section 15 of this act, shall adopt rules to administer this section.
32 The secretary's rules must address, at minimum:

33 (a) Procedures for administering an election that includes voters
34 in more than one county as provided in subsection (2) of this
35 section;

36 (b) Procedures for tabulating votes under the instant runoff
37 voting method and single transferable vote method as provided in
38 subsection (4) of this section; and

39 (c) The maximum number of candidates a voter is allowed to rank
40 for each office as provided in subsection (4) of this section.

1 (9) The secretary of state shall develop educational materials
2 for the public and provide training for county auditors to implement
3 ranked choice voting.

4 (10) As used in this section:

5 (a) "Ranked choice voting" means a system of counting votes in
6 which votes are tabulated based on a voter's ranking of candidates in
7 order of preference as provided in this section.

8 (b) "Instant runoff voting method" means a system of counting
9 votes in which the ballots are counted in rounds simulating a series
10 of runoffs until two candidates remain or until one candidate has a
11 majority of all votes counting in that round. The candidate having
12 the greatest number of votes is declared the winner.

13 (c) "Single transferable vote method" means a system of counting
14 votes in which a winning threshold is calculated based on the number
15 of seats to be filled and the number of votes cast so that no more
16 than the correct number of candidates can win. The ballots must be
17 counted in rounds, with surplus votes transferred from winning
18 candidates and candidates with the fewest votes eliminated according
19 to the methodology established by the secretary of state in rules
20 adopted under subsection (8) of this section, until the number of
21 candidates remaining equals the number of seats to be filled.

22 **Sec. 2.** RCW 29A.60.221 and 2004 c 271 s 176 are each amended to
23 read as follows:

24 (1) Except as provided in subsection (3) of this section, if the
25 requisite number of any federal, state, county, city, or district
26 offices have not been nominated in a primary by reason of two or more
27 persons having an equal and requisite number of votes for being
28 placed on the general election ballot, the official empowered by
29 state law to certify candidates for the general election ballot shall
30 give notice to the several persons so having the equal and requisite
31 number of votes to attend at the appropriate office at the time
32 designated by that official, who shall then and there proceed
33 publicly to decide by lot which of those persons will be declared
34 nominated and placed on the general election ballot.

35 (2) Except as provided in subsection (3) of this section, if the
36 requisite number of any federal, state, county, city, district, or
37 precinct officers have not been elected by reason of two or more
38 persons having an equal and highest number of votes for one and the
39 same office, the official empowered by state law to issue the

1 original certificate of election shall give notice to the several
2 persons so having the highest and equal number of votes to attend at
3 the appropriate office at the time to be appointed by that official,
4 who shall then and there proceed publicly to decide by lot which of
5 those persons will be declared duly elected, and the official shall
6 make out and deliver to the person thus duly declared elected a
7 certificate of election.

8 (3) The secretary of state may adopt rules to provide for at
9 least three methods to resolve a tie occurring at any point during an
10 election conducted using ranked choice voting as provided in section
11 1 of this act, including the lot method described in this section. A
12 county, city, town, or district conducting an election as provided in
13 section 1 of this act shall choose in advance of the election which
14 method of resolving a tie will be used. If the secretary of state
15 does not adopt rules under this section, the county, city, town, or
16 district shall resolve any tie using the lot method described in this
17 section.

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.04
19 RCW to read as follows:

20 "Primary" or "primary election" means a procedure for winnowing
21 candidates for public office to a final list of two as part of a
22 special or general election, or to a final list of five in a county,
23 city, town, or district election that uses ranked choice voting as
24 provided in section 1 of this act. Each voter has the right to cast a
25 vote for any candidate for each office without any limitation based
26 on party preference or affiliation, of either the voter or the
27 candidate.

28 **Sec. 4.** RCW 29A.36.170 and 2013 c 143 s 1 and 2013 c 11 s 45 are
29 each reenacted and amended to read as follows:

30 For any office for which a primary was held, only the names of
31 the top two candidates will appear on the general election ballot,
32 unless the election will be conducted using ranked choice voting as
33 provided in section 1 of this act, in which case only the names of
34 the top five candidates will appear on the general election ballot;
35 the name of the candidate who received the greatest number of votes
36 will appear first and the candidate who received the next greatest
37 number of votes will appear second. No candidate's name may be
38 printed on the subsequent general election ballot unless he or she

1 receives at least one percent of the total votes cast for that office
2 at the preceding primary, if a primary was conducted. On the ballot
3 at the general election for an office for which no primary was held,
4 the names of the candidates shall be listed in the order determined
5 pursuant to RCW 29A.36.131.

6 **Sec. 5.** RCW 29A.52.112 and 2014 c 7 s 1 are each amended to read
7 as follows:

8 (1) A primary is a first stage in the public process by which
9 voters elect candidates to public office.

10 (2) Whenever candidates for a partisan office are to be elected,
11 the general election must be preceded by a primary conducted under
12 this chapter, unless the county, city, town, or district is
13 conducting the general election using ranked choice voting as
14 provided in section 1 of this act and has chosen not to use a
15 primary. Based upon votes cast at the primary, the top two
16 candidates, or the top five candidates in a primary for a general
17 election conducted using ranked choice voting as provided in section
18 1 of this act, will be certified as qualified to appear on the
19 general election ballot (~~(, unless only one candidate qualifies as~~
20 ~~provided in RCW 29A.36.170))~~).

21 (3) No primary may be held for any single county partisan office
22 to fill an unexpired term if, after the last day allowed for
23 candidates to withdraw (~~(,)~~):

24 (a) Only one candidate has filed for the position; or

25 (b) In a primary for a general election conducted using ranked
26 choice voting as provided in section 1 of this act, five or fewer
27 candidates have filed for the position.

28 (4) For partisan office, if a candidate has expressed a party
29 preference on the declaration of candidacy, then that preference will
30 be shown after the name of the candidate on the primary and general
31 election ballots as set forth in rules of the secretary of state. A
32 candidate may choose to express no party preference. Any party
33 preferences are shown for the information of voters only and may in
34 no way limit the options available to voters.

35 **Sec. 6.** RCW 29A.52.210 and 2013 c 11 s 51 are each amended to
36 read as follows:

37 All city and town primaries shall be nonpartisan. Primaries for
38 special purpose districts, except those districts that require

1 ownership of property within the district as a prerequisite to
2 voting, shall be nonpartisan. City, town, and district primaries
3 shall be held as provided in RCW 29A.04.311.

4 The purpose of this section is to establish the holding of a
5 primary, subject to the exemptions in RCW 29A.52.220, as a uniform
6 procedural requirement to the holding of city, town, and district
7 elections. However, a city, town, or district that conducts an
8 election using ranked choice voting as provided in section 1 of this
9 act may choose not to use a primary. These provisions supersede any
10 and all other statutes, whether general or special in nature, having
11 different election requirements.

12 **Sec. 7.** RCW 29A.52.220 and 2013 c 195 s 1 are each amended to
13 read as follows:

14 (1) No primary may be held for any single position in any
15 nonpartisan office if, after the last day allowed for candidates to
16 withdraw, there are no more than two candidates filed for the
17 position, or in a primary for a general election conducted using
18 ranked choice voting as provided in section 1 of this act, there are
19 no more than five candidates filed for the position. The county
20 auditor shall as soon as possible notify all the candidates so
21 affected that the office for which they filed will not appear on the
22 primary ballot.

23 (2) No primary may be held for an office in a county, city, town,
24 or district that is conducting the general election using ranked
25 choice voting as provided in section 1 of this act and has chosen not
26 to use a primary.

27 (3) No primary may be held for the office of commissioner of a
28 park and recreation district or for the office of cemetery district
29 commissioner.

30 (~~(3)~~) (4) Names of candidates for offices that do not appear on
31 the primary ballot shall be printed upon the general election ballot
32 in the manner specified by RCW 29A.36.131.

33 **Sec. 8.** RCW 29A.24.010 and 2003 c 111 s 601 are each amended to
34 read as follows:

35 (1) Not less than thirty days before the first day for filing
36 declarations of candidacy under RCW 29A.24.050 for legislative,
37 judicial, county, city, town, or district office, where more than one
38 position with the same name, district number, or title will be voted

1 upon at the succeeding election, the filing officer shall designate
2 the positions to be filled by number, except as provided in
3 subsection (3) of this section.

4 (2) The positions so designated shall be dealt with as separate
5 offices for all election purposes. With the exception of the office
6 of justice of the supreme court, the position numbers shall be
7 assigned, whenever possible, to reflect the position numbers that
8 were used to designate the same positions at the last full-term
9 election for those offices.

10 (3) In an election conducted using ranked choice voting as
11 provided in section 1 of this act in which there is more than one
12 position with the same name, district number, or title, the county,
13 city, town, or district shall choose whether the filing officer will
14 designate the positions to be filled by number and deal with
15 positions as separate offices.

16 **Sec. 9.** RCW 36.32.040 and 2018 c 113 s 205 are each amended to
17 read as follows:

18 (1) Except as provided in subsections (2) and (3) of this
19 section, the qualified electors of each county commissioner district,
20 and they only, shall nominate from among their own number, candidates
21 for the office of county commissioner of such commissioner district
22 to be voted for at the following general election. Such candidates
23 shall be nominated in the same manner as candidates for other county
24 and district offices are nominated in all other respects.

25 (2) Except as provided in subsection (3) of this section, where
26 the commissioners of a county composed entirely of islands with a
27 population of less than thirty-five thousand have chosen to divide
28 the county into unequal-sized commissioner districts pursuant to the
29 exception provided in RCW 36.32.020, the qualified electors of the
30 entire county shall nominate from among their own number who reside
31 within a commissioner district, candidates for the office of county
32 commissioner of such commissioner district to be voted for at the
33 following general election. Such candidates shall be nominated in the
34 same manner as candidates for other county offices are nominated in
35 all other respects.

36 (3) A county may conduct an election for county commissioners
37 using ranked choice voting as defined in section 1 of this act.

38 (4) The commissioners of any county may authorize a change to
39 their electoral system pursuant to RCW 29A.92.040.

1 **Sec. 10.** RCW 36.32.050 and 2018 c 301 s 7 are each amended to
2 read as follows:

3 (1) Except as provided otherwise in subsection (2) of this
4 section or this chapter, county commissioners shall be elected by the
5 qualified voters of the county and the person receiving the highest
6 number of votes for the office of commissioner for the district in
7 which he or she resides shall be declared duly elected from that
8 district.

9 (2) Beginning in 2022, in any noncharter county with a population
10 of four hundred thousand or more, county commissioners must be
11 nominated and elected by the qualified electors of the commissioner
12 district in which he or she resides. The person receiving the highest
13 number of votes at a general election for the office of commissioner
14 for the district in which he or she resides must be declared duly
15 elected from that district.

16 (3) A county may conduct an election for county commissioners
17 using ranked choice voting as provided in section 1 of this act. A
18 county that uses district nominations and district elections and
19 adopts ranked choice voting as provided in section 1 of this act
20 shall hold a primary to winnow the list of candidates in the district
21 to five, unless the county has chosen under section 1 of this act not
22 to use a primary. If no more than five candidates have filed for a
23 position after the last day allowed for candidates to withdraw, the
24 county may not hold a primary for that position.

25 **Sec. 11.** RCW 35A.12.040 and 2015 c 53 s 52 are each amended to
26 read as follows:

27 (1) Officers shall be elected at biennial municipal elections to
28 be conducted as provided in chapter 35A.29 RCW. The mayor and the
29 councilmembers shall be elected for four-year terms of office and
30 until their successors are elected and qualified and assume office in
31 accordance with RCW 29A.60.280. At any first election upon
32 reorganization, councilmembers shall be elected as provided in RCW
33 35A.02.050. Thereafter the requisite number of councilmembers shall
34 be elected biennially as the terms of their predecessors expire and
35 shall serve for terms of four years. Except as provided in subsection
36 (2) of this section, the positions to be filled on the city council
37 shall be designated by consecutive numbers and shall be dealt with as
38 separate offices for all election purposes. Election to positions on
39 the council shall be by majority vote from the city at large, unless

1 provision is made by charter or ordinance for election by wards. The
2 mayor and councilmembers shall qualify by taking an oath or
3 affirmation of office and as may be provided by law, charter, or
4 ordinance.

5 (2) If a city or town uses ranked choice voting as provided in
6 section 1 of this act, the city or town shall choose whether the
7 council positions to be filled will be designated by number and dealt
8 with as separate offices.

9 **Sec. 12.** RCW 28A.343.320 and 2015 c 53 s 11 are each amended to
10 read as follows:

11 (1) Candidates for the position of school director shall file
12 their declarations of candidacy as provided in Title 29A RCW.

13 (2) Except as provided in subsection (3) of this section, the
14 positions of school directors in each district shall be dealt with as
15 separate offices for all election purposes, and where more than one
16 position is to be filled, each candidate shall file for one of the
17 positions so designated: PROVIDED, That in school districts
18 containing director districts, or a combination of director districts
19 and director at large positions, candidates shall file for such
20 director districts or at large positions. Position numbers shall be
21 assigned to correspond to director district numbers to the extent
22 possible.

23 (3) If the school board uses ranked choice voting as provided in
24 section 1 of this act, the school board shall choose whether to deal
25 with the positions of school directors as separate offices for
26 elections purposes.

27 NEW SECTION. **Sec. 13.** A new section is added to chapter 52.14
28 RCW to read as follows:

29 A board of fire commissioners may conduct an election for fire
30 commissioner using ranked choice voting as provided in section 1 of
31 this act.

32 NEW SECTION. **Sec. 14.** A new section is added to chapter 53.12
33 RCW to read as follows:

34 A port commission may conduct an election for port commissioner
35 using ranked choice voting as provided in section 1 of this act.

1 (d) Special flood control districts consisting of three or more
2 counties.

3 (2) The county auditor, as ex officio supervisor of elections,
4 upon request in the form of a resolution of the governing body of a
5 city, town, or district, presented to the auditor prior to the
6 proposed election date, shall call a special election in such city,
7 town, or district, and for the purpose of such special election he or
8 she may combine, unite, or divide precincts. Such a special election
9 shall be held on one of the following dates as decided by the
10 governing body:

11 (a) The second Tuesday in February;

12 (b) The fourth Tuesday in April;

13 (c) The day of the primary election as specified by RCW
14 29A.04.311; or

15 (d) The first Tuesday after the first Monday in November.

16 (3) A resolution calling for a special election on a date set
17 forth in subsection (2)(a) and (b) of this section must be presented
18 to the county auditor at least sixty days prior to the election date.
19 A resolution calling for a special election on a date set forth in
20 subsection (2)(c) of this section must be presented to the county
21 auditor no later than the Friday immediately before the first day of
22 regular candidate filing. A resolution calling for a special election
23 on a date set forth in subsection (2)(d) of this section must be
24 presented to the county auditor no later than the day of the primary.

25 (4) In addition to subsection (2)(a) through (d) of this section,
26 a special election to validate an excess levy or bond issue may be
27 called at any time to meet the needs resulting from fire, flood,
28 earthquake, or other act of God, except that no special election may
29 be held between the first day for candidates to file for public
30 office and the last day to certify the returns of the general
31 election other than as provided in subsection (2)(c) and (d) of this
32 section. Such special election shall be conducted and notice thereof
33 given in the manner provided by law.

34 (5) This section shall supersede the provisions of any and all
35 other statutes, whether general or special in nature, having
36 different dates for such city, town, and district elections, the
37 purpose of this section being to establish mandatory dates for
38 holding elections.

1 NEW SECTION. **Sec. 18.** A new section is added to chapter 29A.04
2 RCW to read as follows:

3 Whenever a city, town, or district chooses to switch its general
4 elections between odd and even-numbered years as permitted by RCW
5 29A.04.330, and as a result the term of office of an elected official
6 is scheduled to expire under RCW 29A.60.280 but a general election
7 for that office has not yet been held, the elected official shall
8 continue to serve an additional year until a successor is elected and
9 qualified and assumes office in accordance with RCW 29A.60.280.

10 **Sec. 19.** RCW 35.17.020 and 2013 c 11 s 87 are each amended to
11 read as follows:

12 (1) All regular elections in cities organized under the statutory
13 commission form of government shall be held (~~((quadrennially in the~~
14 ~~odd-numbered years))~~) on the dates provided in RCW 29A.04.330.
15 (~~((However, after commissioners are elected at the next general~~
16 ~~election occurring in 1995 or 1997, regular elections in cities~~
17 ~~organized under a statutory commission form of government shall be~~
18 ~~held biennially at municipal general elections.))~~)

19 (2) The commissioners shall be nominated and elected at large.
20 Their terms shall be for four years and until their successors are
21 elected and qualified and assume office in accordance with RCW
22 29A.60.280. (~~((However, at the next regular election of a city~~
23 ~~organized under a statutory commission form of government, the terms~~
24 ~~of office of commissioners shall occur with the person who is elected~~
25 ~~as a commissioner receiving the least number of votes being elected~~
26 ~~to a two-year term of office and the other two persons who are~~
27 ~~elected being elected to four-year terms of office. Thereafter,~~
28 ~~commissioners shall be elected to four-year terms of office.))~~)

29 (3) Vacancies on a commission shall occur and shall be filled as
30 provided in chapter 42.12 RCW.

31 **Sec. 20.** RCW 35.18.270 and 1994 c 223 s 13 are each amended to
32 read as follows:

33 If the majority of the votes cast at a special election for
34 organization on the council-manager plan favor the plan, the city or
35 town shall elect the council required under the council-manager plan
36 in number according to its population at the next municipal general
37 election. However, special elections shall be held to nominate and
38 elect the new city councilmembers at the next primary and general

1 election (~~held in an even-numbered year~~) if the next municipal
2 general election is more than one year after the date of the election
3 at which the voters approved the council-manager plan. The staggering
4 of terms of office shall occur at the election when the new
5 councilmembers are elected, where the simple majority of the persons
6 elected as councilmembers receiving the greatest numbers of votes
7 shall be elected to four-year terms of office if the election is held
8 in an (~~odd-numbered~~) on-cycle year, or three-year terms of office
9 if the election is held in an (~~even-numbered~~) off-cycle year, and
10 the remainder of the persons elected as councilmembers shall be
11 elected to two-year terms of office if the election is held in an
12 (~~odd-numbered~~) on-cycle year, or one-year terms of office if the
13 election is held in an (~~even-numbered~~) off-cycle year. The initial
14 councilmembers shall take office immediately when they are elected
15 and qualified, but the lengths of their terms of office shall be
16 calculated from the first day in January in the year following the
17 election.

18 **Sec. 21.** RCW 35.23.051 and 2019 c 454 s 5 are each amended to
19 read as follows:

20 General municipal elections in second-class cities shall be held
21 biennially (~~in the odd-numbered years~~) on the date provided in RCW
22 29A.04.330 and shall be subject to general election law.

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

32 Council positions shall be numbered in each second-class city so
33 that council position seven has a two-year term of office and council
34 positions one through six shall each have four-year terms of office.
35 Each councilmember shall remain in office until a successor is
36 elected and qualified and assumes office in accordance with RCW
37 29A.60.280.

38 In its discretion the council of a second-class city may divide
39 the city by ordinance, into a convenient number of wards, not

1 exceeding six, fix the boundaries of the wards, and change the ward
2 boundaries from time to time and as provided in RCW 29A.76.010. No
3 change in the boundaries of any ward shall be made within one hundred
4 twenty days next before the date of a general municipal election, nor
5 within twenty months after the wards have been established or altered
6 unless pursuant to RCW 29A.92.040 or 29A.92.110. However, if a
7 boundary change results in one ward being represented by more
8 councilmembers than the number to which it is entitled, those having
9 the shortest unexpired terms shall be assigned by the council to
10 wards where there is a vacancy, and the councilmembers so assigned
11 shall be deemed to be residents of the wards to which they are
12 assigned for purposes of determining whether those positions are
13 vacant.

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

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

1 continue to do so. The elections for the remaining council position
2 or council positions that are not associated with a ward shall be
3 conducted as if the wards did not exist.

4 **Sec. 22.** RCW 35.27.090 and 2009 c 549 s 2056 are each amended to
5 read as follows:

6 All general municipal elections in towns shall be held biennially
7 (~~in the odd-numbered years as~~) on the date provided in RCW
8 29A.04.330. The term of office of the mayor and treasurer shall be
9 four years and until their successors are elected and qualified and
10 assume office in accordance with RCW (~~29A.20.040~~) 29A.60.280:
11 PROVIDED, That the term of the treasurer shall not commence in the
12 same biennium in which the term of the mayor commences.
13 Councilmembers shall be elected for four year terms and until their
14 successors are elected and qualified and assume office in accordance
15 with RCW (~~29A.20.040~~) 29A.60.280; three at one election and two at
16 the next succeeding biennial election.

17 **Sec. 23.** RCW 35.30.080 and 2015 c 53 s 42 are each amended to
18 read as follows:

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

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

35 The term of the treasurer shall not commence in the same biennium
36 in which the term of the mayor commences. Candidates for the city
37 council shall run for specific council positions. The staggering of
38 terms of city officers shall be established at the first election,

1 where the simple majority of the persons elected as councilmembers
2 receiving the greatest numbers of votes shall be elected to four-year
3 terms of office and the remainder of the persons elected as
4 councilmembers and the treasurer shall be elected to two-year terms
5 of office. Thereafter, all elected city officers shall be elected for
6 four-year terms and until their successors are elected and qualified
7 and assume office in accordance with RCW 29A.60.280.

8 **Sec. 24.** RCW 35.61.050 and 2015 c 53 s 44 are each amended to
9 read as follows:

10 (1) The resolution or petition submitting the ballot proposition
11 shall designate the composition of the board of metropolitan park
12 commissioners from among the alternatives provided under subsections
13 (2) through (4) of this section. The ballot proposition shall clearly
14 describe the designated composition of the board.

15 (2) The commissioners of the district may be selected by
16 election, in which case at the same election at which the proposition
17 is submitted to the voters as to whether a metropolitan park district
18 is to be formed, five park commissioners shall be elected. The
19 election of park commissioners shall be null and void if the
20 metropolitan park district is not created. Candidates shall run for
21 specific commission positions. No primary shall be held to nominate
22 candidates. The person receiving the greatest number of votes for
23 each position shall be elected as a commissioner. The staggering of
24 the terms of office shall occur as follows: (a) The two persons who
25 are elected receiving the two greatest numbers of votes shall be
26 elected to six-year terms of office if the election is held in an
27 (~~odd-numbered~~) on-cycle year or five-year terms of office if the
28 election is held in an (~~even-numbered~~) off-cycle year; (b) the two
29 persons who are elected receiving the next two greatest numbers of
30 votes shall be elected to four-year terms of office if the election
31 is held in an (~~odd-numbered~~) on-cycle year or three-year terms of
32 office if the election is held in an (~~even-numbered~~) off-cycle
33 year; and (c) the other person who is elected shall be elected to a
34 two-year term of office if the election is held in an (~~odd-~~
35 ~~numbered~~) on-cycle year or a one-year term of office if the election
36 is held in an (~~even-numbered~~) off-cycle year. The initial
37 commissioners shall take office immediately when they are elected and
38 qualified, and for purposes of computing their terms of office the
39 terms shall be assumed to commence on the first day of January in the

1 year after they are elected. Thereafter, all commissioners shall be
2 elected to six-year terms of office. All commissioners shall serve
3 until their respective successors are elected and qualified and
4 assume office in accordance with RCW 29A.60.280. Vacancies shall
5 occur and shall be filled as provided in chapter 42.12 RCW.

6 (3) In a district wholly located within a city or within the
7 unincorporated area of a county, the governing body of such city or
8 legislative authority of such county may be designated to serve in an
9 ex officio capacity as the board of metropolitan park commissioners,
10 provided that when creation of the district is proposed by citizen
11 petition, the city or county approves by resolution such designation.

12 (4) Where the proposed district is located within more than one
13 city, more than one county, or any combination of cities and
14 counties, each city governing body and county legislative authority
15 may be designated to collectively serve ex officio as the board of
16 metropolitan park commissioners through selection of one or more
17 members from each to serve as the board, provided that when creation
18 of the district is proposed by citizen petition, each city governing
19 body and county legislative authority approve by resolution such
20 designation. Within six months of the date of certification of
21 election results approving creation of the district, the size and
22 membership of the board shall be determined through interlocal
23 agreement of each city and county. The interlocal agreement shall
24 specify the method for filling vacancies on the board.

25 (5) Metropolitan park districts created by a vote of the people
26 prior to June 13, 2002, may not change the composition and method of
27 selection of their governing authority without approval of the
28 voters. Should such a change be desired, the board of park
29 commissioners shall submit a ballot proposition to the voters of the
30 metropolitan park district.

31 **Sec. 25.** RCW 35A.02.050 and 2015 c 53 s 48 are each amended to
32 read as follows:

33 The first election of officers where required for reorganization
34 under a different general plan of government newly adopted in a
35 manner provided in RCW 35A.02.020, 35A.02.030, 35A.06.030, or
36 35A.06.060, as now or hereafter amended, shall be at the next general
37 municipal election if one is to be held more than ninety days but not
38 more than one hundred and eighty days after certification of a
39 reorganization ordinance or resolution, or otherwise at a special

1 election to be held for that purpose in accordance with RCW
2 29A.04.330. In the event that the first election of officers is to be
3 held at a general municipal election, such election shall be preceded
4 by a primary election pursuant to RCW 29A.52.210 and 29A.04.311. In
5 the event that the first election of all officers is to be held at a
6 special election rather than at a general election, and
7 notwithstanding any provisions of any other law to the contrary, such
8 special election shall be preceded by a primary election to be held
9 on a date authorized by RCW 29A.04.321, and the persons nominated at
10 that primary election shall be voted upon at the next succeeding
11 special election that is authorized by RCW 29A.04.321: PROVIDED, That
12 in the event the ordinances calling for reclassification or
13 reclassification and reorganization under the provisions of ((Title
14 ~~35A-RCW~~)) this title have been filed with the secretary of state
15 pursuant to RCW 35A.02.040 in an ((~~even-numbered~~)) off-cycle year at
16 least ninety days prior to a state general election then the election
17 of new officers shall be concurrent with the state primary and
18 general election and shall be conducted as set forth in general
19 election law.

20 Upon reorganization, candidates for all offices shall file or be
21 nominated for and successful candidates shall be elected to specific
22 council positions. The initial terms of office for those elected at a
23 first election of all officers shall be as follows: (1) A simple
24 majority of the persons who are elected as councilmembers receiving
25 the greatest numbers of votes and the mayor in a city with a mayor-
26 council plan of government shall be elected to four-year terms of
27 office, if the election is held in an ((~~odd-numbered~~)) on-cycle year,
28 or three-year terms of office, if the election is held in an ((~~even-~~
29 ~~numbered~~)) off-cycle year; and (2) the other persons who are elected
30 as councilmembers shall be elected to two-year terms of office, if
31 the election is held in an ((~~odd-numbered~~)) on-cycle year, or one-
32 year terms of office, if the election is held in an ((~~even-numbered~~))
33 off-cycle year. The newly elected officials shall take office
34 immediately when they are elected and qualified, but the length of
35 their terms of office shall be calculated from the first day of
36 January in the year following the election. Thereafter, each person
37 elected as a councilmember or mayor in a city with a mayor-council
38 plan of government shall be elected to a four-year term of office.
39 Each councilmember and mayor in a city with a mayor-council plan of

1 government shall serve until a successor is elected and qualified and
2 assumes office as provided in RCW 29A.60.280.

3 The former officers shall, upon the election and qualification of
4 new officers, deliver to the proper officers of the reorganized
5 noncharter code city all books of record, documents and papers in
6 their possession belonging to such municipal corporation before the
7 reorganization thereof.

8 **Sec. 26.** RCW 36.32.030 and 2018 c 301 s 6 are each amended to
9 read as follows:

10 (1) Except as provided otherwise in subsection (2) of this
11 section, the terms of office of county commissioners shall be four
12 years and shall extend until their successors are elected and
13 qualified and assume office in accordance with RCW 29A.60.280. The
14 terms of office of county commissioners shall be staggered so that
15 either one or two commissioners are elected at a general election
16 held in each (~~(even-numbered)~~) on-cycle year.

17 (2) At the general election held in 2022, any noncharter county
18 with a population of four hundred thousand or more must elect county
19 commissioners in accordance with a districting plan adopted under RCW
20 36.32.054. Any county commissioner whose term is set to expire on or
21 after January 1, 2023, is subject to the new election in accordance
22 with the districting plan. The county commissioners shall begin their
23 terms of office on January 1, 2023, and such terms shall be staggered
24 terms, as designated in the districting plan.

25 **Sec. 27.** RCW 36.32.0554 and 1990 c 252 s 4 are each amended to
26 read as follows:

27 The terms of the persons who are initially elected to positions
28 four and five under RCW 36.32.0552 shall be as follows:

29 (1) If the year in which the primary and general elections are
30 held is an (~~(even-numbered)~~) on-cycle year, the person elected to
31 position four shall be elected for a two-year term, and the person
32 elected to position five shall be elected for a four-year term; or

33 (2) If the year in which the primary and general elections are
34 held is an (~~(odd-numbered)~~) off-cycle year, the person elected to
35 position four shall be elected for a one-year term, and the person
36 elected to position five shall be elected for a three-year term.

37 (3) The length of the terms shall be calculated from the first
38 day of January in the year following the election. Each person

1 elected pursuant to subsection (1) or (2) of this section shall take
2 office immediately upon the issuance of a certificate of his or her
3 election.

4 (4) Thereafter, persons elected to commissioner positions four
5 and five shall be elected for four-year terms and shall take office
6 at the same time the other members of the board of county
7 commissioners take office.

8 **Sec. 28.** RCW 36.69.070 and 2015 c 53 s 66 are each amended to
9 read as follows:

10 A ballot proposition authorizing the formation of the proposed
11 park and recreation district shall be submitted to the voters of the
12 proposed district for their approval or rejection at the next general
13 state election occurring sixty or more days after the county
14 legislative authority fixes the boundaries of the proposed district.
15 Notices of the election for the formation of the park and recreation
16 district shall state generally and briefly the purpose thereof and
17 shall give the boundaries of the proposed district and name the day
18 of the election and the hours during which the polls will be open.
19 The proposition to be submitted to the voters shall be stated in such
20 manner that the voters may indicate yes or no upon the proposition of
21 forming the proposed park and recreation district.

22 The initial park and recreation commissioners shall be elected at
23 the same election, but this election shall be null and void if the
24 district is not authorized to be formed. No primary shall be held to
25 nominate candidates for the initial commissioner positions.
26 Candidates shall run for specific commission positions. A special
27 filing period shall be opened as provided in RCW 29A.24.171 and
28 29A.24.181. The person who receives the greatest number of votes for
29 each commission position shall be elected to that position. The three
30 persons who are elected receiving the greatest number of votes shall
31 be elected to four-year terms of office if the election is held in an
32 (~~odd-numbered~~) on-cycle year or three-year terms of office if the
33 election is held in an (~~even-numbered~~) off-cycle year. The other
34 two persons who are elected shall be elected to two-year terms of
35 office if the election is held in an (~~odd-numbered~~) on-cycle year
36 or one-year terms of office if the election is held in an (~~even-~~
37 ~~numbered~~) off-cycle year. The initial commissioners shall take
38 office immediately upon being elected and qualified, but the length

1 of such terms shall be computed from the first day of January in the
2 year following this election.

3 **Sec. 29.** RCW 36.69.090 and 2015 c 53 s 67 are each amended to
4 read as follows:

5 A park and recreation district shall be governed by a board of
6 five commissioners. Except for the initial commissioners, all
7 commissioners shall be elected to staggered four-year terms of office
8 and shall serve until their successors are elected and qualified and
9 assume office in accordance with RCW 29A.60.280. Candidates shall run
10 for specific commissioner positions.

11 Elections for park and recreation district commissioners shall be
12 held biennially in conjunction with the general election (~~in each~~
13 ~~odd-numbered year~~) on the date provided in RCW 29A.04.330. Elections
14 shall be held in accordance with the provisions of Title 29A RCW
15 dealing with general elections, except that there shall be no primary
16 to nominate candidates. All persons filing and qualifying shall
17 appear on the general election ballot and the person receiving the
18 largest number of votes for each position shall be elected.

19 **Sec. 30.** RCW 36.93.051 and 2011 1st sp.s. c 21 s 23 are each
20 amended to read as follows:

21 The boundary review board in each county with a population of one
22 million or more shall consist of eleven members chosen as follows:

23 (1) Four persons shall be appointed by the county appointing
24 authority;

25 (2) Four persons shall be appointed by the mayors of the cities
26 and towns located within the county; and

27 (3) Three persons shall be appointed by the board from nominees
28 of special districts in the county.

29 The governor shall designate one initial appointee to serve a
30 term of two years, and two initial appointees to serve terms of four
31 years, if the appointments are made in an (~~odd-numbered~~) on-cycle
32 year, or one initial appointee to serve a term of one year, and two
33 initial appointees to serve terms of three years, if the appointments
34 are made in an (~~even-numbered~~) off-cycle year, with the length of
35 the term being calculated from the first day of February in the year
36 the appointment was made.

37 The county appointing authority shall designate one of its
38 initial appointees to serve a term of two years, and two of its

1 initial appointees to serve terms of four years, if the appointments
2 are made in an (~~odd-numbered~~) on-cycle year, or one of its initial
3 appointees to serve a term of one year, and two of its initial
4 appointees to serve terms of three years, if the appointments are
5 made in an (~~even-numbered~~) off-cycle year, with the length of the
6 term being calculated from the first day of February in the year the
7 appointment was made.

8 The mayors making the initial city and town appointments shall
9 designate two of their initial appointees to serve terms of two
10 years, and one of their initial appointees to serve a term of four
11 years, if the appointments are made in an (~~odd-numbered~~) on-cycle
12 year, or two of their initial appointees to serve terms of one year,
13 and one of their initial appointees to serve a term of three years,
14 if the appointments are made in an (~~even-numbered~~) off-cycle year,
15 with the length of the term being calculated from the first day of
16 February in the year the appointment was made.

17 The board shall make two initial appointments from the nominees
18 of special districts, with one appointee serving a term of four years
19 and one initial appointee serving a term of two years, if the
20 appointments are made in an (~~odd-numbered~~) on-cycle year, or one
21 initial appointee serving a term of three years and one initial
22 appointee serving a term of one year if the appointments are made in
23 an (~~even-numbered~~) off-cycle year, with the length of the term
24 being calculated from the first day of March in the year in which the
25 appointment is made.

26 After the initial appointments, all appointees shall serve four-
27 year terms.

28 No appointee may be an official or employee of the county or a
29 governmental unit in the county, or a consultant or advisor on a
30 contractual or regular retained basis of the county, any governmental
31 unit in the county, or any agency or association thereof.

32 **Sec. 31.** RCW 36.93.061 and 1991 c 363 s 94 are each amended to
33 read as follows:

34 The boundary review board in each county with a population of
35 less than one million shall consist of five members chosen as
36 follows:

37 (1) Two persons shall be appointed by the governor;

38 (2) One person shall be appointed by the county appointing
39 authority;

1 (3) One person shall be appointed by the mayors of the cities and
2 towns located within the county; and

3 (4) One person shall be appointed by the board from nominees of
4 special districts in the county.

5 The governor shall designate one initial appointee to serve a
6 term of two years, and one initial appointee to serve a term of four
7 years, if the appointments are made in an (~~odd-numbered~~) on-cycle
8 year, or one initial appointee to serve a term of one year, and one
9 initial appointee to serve a term of three years, if the appointments
10 are made in an (~~even-numbered~~) off-cycle year, with the length of a
11 term being calculated from the first day of February in the year that
12 the appointment was made.

13 The initial appointee of the county appointing authority shall
14 serve a term of two years, if the appointment is made in an (~~odd-~~
15 ~~numbered~~) on-cycle year, or a term of one year, if the appointment
16 is made in an (~~even-numbered~~) off-cycle year. The initial appointee
17 by the mayors shall serve a term of four years, if the appointment is
18 made in an (~~odd-numbered~~) on-cycle year, or a term of three years,
19 if the appointment is made in an (~~even-numbered~~) off-cycle year.
20 The length of the term shall be calculated from the first day in
21 February in the year the appointment was made.

22 The board shall make one initial appointment from the nominees of
23 special districts to serve a term of two years if the appointment is
24 made in an (~~odd-numbered~~) on-cycle year, or a term of one year if
25 the appointment is made in an (~~even-numbered~~) off-cycle year, with
26 the length of the term being calculated from the first day of March
27 in the year in which the appointment is made.

28 After the initial appointments, all appointees shall serve four-
29 year terms.

30 No appointee may be an official or employee of the county or a
31 governmental unit in the county, or a consultant or advisor on a
32 contractual or regular retained basis of the county, any governmental
33 unit in the county, or any agency or association thereof.

34 NEW SECTION. **Sec. 32.** Sections 17 through 31 of this act takes
35 effect January 1, 2022.

36 **PART III**

37 **VOTING RIGHTS ACT NOTICE COST RECOVERY**

1 **Sec. 33.** RCW 29A.92.070 and 2019 c 64 s 10 are each amended to
2 read as follows:

3 (1) The political subdivision shall work in good faith with the
4 person providing the notice to implement a remedy that provides the
5 protected class or classes identified in the notice an equal
6 opportunity to elect candidates of their choice. Such work in good
7 faith to implement a remedy may include, but is not limited to
8 consideration of: (a) Relevant electoral data; (b) relevant
9 demographic data, including the most recent census data available;
10 and (c) any other information that would be relevant to implementing
11 a remedy.

12 (2) If the political subdivision adopts a remedy that takes the
13 notice into account, or adopts the notice's proposed remedy, the
14 political subdivision shall seek a court order acknowledging that the
15 political subdivision's remedy complies with RCW 29A.92.020 and was
16 prompted by a plausible violation. The person who submitted the
17 notice may support or oppose such an order, and may obtain public
18 records to do so. The political subdivision must provide all
19 political, census, and demographic data and any analysis of that data
20 used to develop the remedy in its filings seeking the court order and
21 with any documents made public. All facts and reasonable inferences
22 shall be viewed in the light most favorable to those opposing the
23 political subdivision's proposed remedy at this stage. There shall be
24 a rebuttable presumption that the court will decline to approve the
25 political subdivision's proposed remedy at this stage.

26 (3) If the court concludes that the political subdivision's
27 remedy complies with RCW 29A.92.020, an action under this chapter may
28 not be brought against that political subdivision for four years by
29 any party so long as the political subdivision does not enact a
30 change to or deviation from the remedy during this four-year period
31 that would otherwise give rise to an action under this chapter.

32 (4) In agreeing to adopt the person's proposed remedy, the
33 political subdivision may do so by stipulation, which shall become a
34 public document.

35 (5) (a) If the court issues an order under subsection (2) of this
36 section, the person who sent the notice may make a demand to the
37 political subdivision for reimbursement of the costs incurred in
38 conducting the research necessary to send the notice. A demand made
39 under this subsection must:

40 (i) Be in writing;

1 (ii) Be received by the political subdivision within 30 days of
2 the adoption of the new electoral system; and

3 (iii) Include financial documentation, such as a detailed invoice
4 for demographic services, that support the demand. The political
5 subdivision may request additional documentation if the documentation
6 provided is insufficient for the political subdivision to corroborate
7 the claimed costs.

8 (b) The political subdivision shall, within 60 days of receiving
9 the demand, reimburse the reasonable costs of the person who sent the
10 notice, not to exceed \$30,000.

11 **Sec. 34.** RCW 29A.92.080 and 2019 c 64 s 11 are each amended to
12 read as follows:

13 (1) Any voter who resides in the political subdivision may file
14 an action under this chapter if, one hundred eighty days after a
15 political subdivision receives notice of a challenge to its electoral
16 system under RCW 29A.92.060, the political subdivision has not
17 obtained a court order stating that it has adopted a remedy in
18 compliance with RCW 29A.92.020. However, if notice is received after
19 July 1, 2021, then the political subdivision shall have ninety days
20 to obtain a court order before an action may be filed.

21 (2) If a political subdivision has received two or more notices
22 containing materially different proposed remedies, the political
23 subdivision shall work in good faith with the persons to implement a
24 remedy that provides the protected class or classes identified in the
25 notices an equal opportunity to elect candidates of their choice. If
26 the political subdivision adopts one of the remedies offered, or a
27 different remedy that takes multiple notices into account, the
28 political subdivision shall seek a court order acknowledging that the
29 political subdivision's remedy is reasonably necessary to avoid a
30 violation of RCW 29A.92.020. The persons who submitted the notice may
31 support or oppose such an order, and may obtain public records to do
32 so. The political subdivision must provide all political, census, and
33 demographic data and any analysis of that data used to develop the
34 remedy in its filings seeking the court order and with any documents
35 made public. All facts and reasonable inferences shall be viewed in
36 the light most favorable to those opposing the political
37 subdivision's proposed remedy at this stage. There shall be a
38 rebuttable presumption that the court will decline to approve the
39 political subdivision's proposed remedy at this stage.

1 (3) If the court concludes that the political subdivision's
2 remedy complies with RCW 29A.92.020, an action under this chapter may
3 not be brought against that political subdivision for four years by
4 any party so long as the political subdivision does not enact a
5 change to or deviation from the remedy during this four-year period
6 that would otherwise give rise to an action under this chapter.

7 (4) (a) If the court issues an order under subsection (2) of this
8 section, the persons who sent notices may make a demand to the
9 political subdivision for reimbursement of the costs incurred in
10 conducting the research necessary to send the notices. A demand made
11 under this subsection must:

12 (i) Be in writing;

13 (ii) Be received by the political subdivision within 30 days of
14 the adoption of the new electoral system; and

15 (iii) Include financial documentation, such as a detailed invoice
16 for demographic services, that support the demand. The political
17 subdivision may request additional documentation if the documentation
18 provided is insufficient for the political subdivision to corroborate
19 the claimed costs.

20 (b) The political subdivision shall, within 60 days of receiving
21 the demand, reimburse the reasonable costs of the persons who sent
22 the notices, not to exceed \$30,000.

23 **Sec. 35.** RCW 29A.92.130 and 2018 c 113 s 405 are each amended to
24 read as follows:

25 (1) In any action to enforce this chapter, the court may allow
26 the prevailing plaintiff or plaintiffs, other than the state or
27 political subdivision thereof, reasonable attorneys' fees, all
28 nonattorney fee costs as defined by RCW 4.84.010, and all reasonable
29 expert witness fees. ~~((No))~~ Except as provided in RCW 29A.92.070(5)
30 and 29A.92.080(4), no fees or costs may be awarded if no action is
31 filed.

32 (2) Prevailing defendants may recover an award of fees or costs
33 pursuant to RCW 4.84.185.

34 **PART IV**

35 **FUNDS FOR IMPLEMENTATION**

36 NEW SECTION. **Sec. 36.** (1) Subject to the availability of
37 amounts appropriated for this specific purpose, the secretary of

1 state may provide grants to county auditors and local governments to
2 adopt ranked choice voting as provided in part I of this act.

3 (2) Subject to the availability of amounts appropriated for this
4 specific purpose, the secretary of state may provide grants to county
5 auditors and local governments to change to even-year elections as
6 provided in part II of this act.

7 (3) Subject to the availability of amounts appropriated for this
8 specific purpose, the secretary of state may provide grants to a
9 political subdivision to make changes to its electoral system as a
10 remedy in response to one or more notices submitted under chapter
11 29A.92 RCW.

--- END ---