

ESHB 1932 - S COMM AMD

By Committee on State Government & Elections

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that participation
4 in local government elections is integral to ensuring that local
5 governments and elected officials accurately represent and are
6 accountable to the communities which they serve. The legislature
7 believes that when there is low voter participation in an election,
8 policy outcomes are more favorable to special interests and less
9 reflective of the needs of the broader community. Over the past eight
10 years, Washington has had a dramatic gap between odd-year and even-
11 year voter participation: Participation in local elections in odd-
12 numbered years averages around 40.5 percent, while even-numbered year
13 elections average around 80 percent participation, nearly double that
14 of odd-year elections.

15 Under current law, local governments generally must conduct
16 elections in odd-numbered years that do not coincide with federal or
17 state elections. The legislature believes that holding local
18 government elections in even-numbered years will increase voter
19 turnout and ensure that a broader cross-section of voters participate
20 in contests for local offices, resulting in local governments that
21 more accurately represent and reflect the desires and needs of their
22 communities. In particular, an increase in voter turnout will ensure
23 that the voices of younger voters, working and low-income families,
24 and people with disabilities are heard. Therefore, to increase voter
25 participation in local elections, the legislature intends to provide
26 local governments the option to conduct local elections in even-
27 numbered years.

28 **Sec. 2.** RCW 29A.04.330 and 2015 c 146 s 2 are each amended to
29 read as follows:

30 (1) All city, town, and district general elections shall be held
31 throughout the state of Washington on the first Tuesday following the

1 first Monday in November in the odd-numbered years, except as
2 provided in subsection (6) of this section.

3 This section shall not apply to:

4 (a) Elections for the recall of any elective public officer;

5 (b) Public utility districts, conservation districts, or district
6 elections at which the ownership of property within those districts
7 is a prerequisite to voting, all of which elections shall be held at
8 the times prescribed in the laws specifically applicable thereto;

9 (c) Consolidation proposals as provided for in RCW 28A.315.235
10 and nonhigh capital fund aid proposals as provided for in chapter
11 28A.540 RCW; and

12 (d) Special flood control districts consisting of three or more
13 counties.

14 (2) The county auditor, as ex officio supervisor of elections,
15 upon request in the form of a resolution of the governing body of a
16 city, town, or district, presented to the auditor prior to the
17 proposed election date, shall call a special election in such city,
18 town, or district, and for the purpose of such special election he or
19 she may combine, unite, or divide precincts. Such a special election
20 shall be held on one of the following dates as decided by the
21 governing body:

22 (a) The second Tuesday in February;

23 (b) The fourth Tuesday in April;

24 (c) The day of the primary election as specified by RCW
25 29A.04.311; or

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

27 (3) A resolution calling for a special election on a date set
28 forth in subsection (2)(a) and (b) of this section must be presented
29 to the county auditor at least sixty days prior to the election date.
30 A resolution calling for a special election on a date set forth in
31 subsection (2)(c) of this section must be presented to the county
32 auditor no later than the Friday immediately before the first day of
33 regular candidate filing. A resolution calling for a special election
34 on a date set forth in subsection (2)(d) of this section must be
35 presented to the county auditor no later than the day of the primary.

36 (4) In addition to subsection (2)(a) through (d) of this section,
37 a special election to validate an excess levy or bond issue may be
38 called at any time to meet the needs resulting from fire, flood,
39 earthquake, or other act of God, except that no special election may
40 be held between the first day for candidates to file for public

1 office and the last day to certify the returns of the general
2 election other than as provided in subsection (2)(c) and (d) of this
3 section. Such special election shall be conducted and notice thereof
4 given in the manner provided by law.

5 (5) This section shall supersede the provisions of any and all
6 other statutes, whether general or special in nature, having
7 different dates for such city, town, and district elections, the
8 purpose of this section being to establish mandatory dates for
9 holding elections, with the exception of subsection (6) of this
10 section.

11 (6) A city or town that holds its elections under this title may
12 choose to hold its regular elections in even-numbered years by
13 providing notice to the county or counties in which it is located
14 following both adoption of an ordinance or policy, and approval by
15 the voters of an ordinance or charter amendment referred by its
16 legislative body.

17 (a) A city or town moving its regular elections to even-numbered
18 years must hold two public hearings not less than 30 days apart to
19 consider public input. A vote on final adoption may be taken only
20 after at least 30 days have elapsed since the date on which the
21 second of the two public hearings was held.

22 (b) A city or town moving its regular elections to even-numbered
23 years must transition from odd-numbered to even-numbered years by
24 electing each position to one term that is one year shorter in
25 duration than provided by law. After conclusion of that term,
26 beginning in an even-numbered year, elections for positions must be
27 for their prescribed term lengths.

28 (c) A city or town that chooses to hold its elections in even-
29 numbered years must do so for all elected positions in the
30 jurisdiction.

31 (d) If a city or town repeals an ordinance, charter amendment, or
32 policy that moved its elections to even-numbered years, the
33 jurisdiction shall transition back to odd-numbered year elections by
34 electing each position to one term that is one year shorter in
35 duration than provided by law. After conclusion of that term,
36 beginning in an odd-numbered year, elections for positions must be
37 for their prescribed term lengths.

38 (e) An ordinance, charter amendment, or policy must be adopted by
39 January 15th of an odd-numbered year for the city or town to begin
40 transition under (b) of this subsection in that calendar year.

1 **Sec. 3.** RCW 35.17.020 and 2013 c 11 s 87 are each amended to
2 read as follows:

3 (1) All regular elections in cities organized under the statutory
4 commission form of government shall be held quadrennially in the odd-
5 numbered years on the dates provided in RCW 29A.04.330, except for
6 cities that are moving or have moved their regular elections to even-
7 numbered years under RCW 29A.04.330. (~~However, after commissioners~~
8 ~~are elected at the next general election occurring in 1995 or 1997,~~
9 ~~regular elections in cities organized under a statutory commission~~
10 ~~form of government shall be held biennially at municipal general~~
11 ~~elections.))~~

12 (2) The commissioners shall be nominated and elected at large.
13 Their terms shall be for four years, unless the city is transitioning
14 its regular elections to even-numbered years as provided by RCW
15 29A.04.330, and until their successors are elected and qualified and
16 assume office in accordance with RCW 29A.60.280. However, at the next
17 regular election of a city organized under a statutory commission
18 form of government, the terms of office of commissioners shall occur
19 with the person who is elected as a commissioner receiving the least
20 number of votes being elected to a two-year term of office and the
21 other two persons who are elected being elected to four-year terms of
22 office. Thereafter, commissioners shall be elected to four-year terms
23 of office.

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

26 **Sec. 4.** RCW 35.18.270 and 1994 c 223 s 13 are each amended to
27 read as follows:

28 If the majority of the votes cast at a special election for
29 organization on the council-manager plan favor the plan, the city or
30 town shall elect the council required under the council-manager plan
31 in number according to its population at the next municipal general
32 election. However, special elections shall be held to nominate and
33 elect the new city councilmembers at the next primary and general
34 election held in an even-numbered year if the next municipal general
35 election is more than one year after the date of the election at
36 which the voters approved the council-manager plan, unless the city
37 or town is moving or has moved its regularly scheduled elections to
38 even-numbered years as provided by RCW 29A.04.330, in which case it
39 shall hold regular elections rather than special elections. The

1 staggering of terms of office shall occur at the election when the
2 new councilmembers are elected, where the simple majority of the
3 persons elected as councilmembers receiving the greatest numbers of
4 votes shall be elected to four-year terms of office if the election
5 is held in an odd-numbered year, or three-year terms of office if the
6 election is a special election held in an even-numbered year, and the
7 remainder of the persons elected as councilmembers shall be elected
8 to two-year terms of office if the election is held in an odd-
9 numbered year, or one-year terms of office if the election is a
10 special election held in an even-numbered year. The initial
11 councilmembers shall take office immediately when they are elected
12 and qualified, but the lengths of their terms of office shall be
13 calculated from the first day in January in the year following the
14 election.

15 **Sec. 5.** RCW 35.23.051 and 2019 c 454 s 5 are each amended to
16 read as follows:

17 General municipal elections in second-class cities shall be held
18 biennially in the odd-numbered years and shall be subject to general
19 election law, unless a second-class city is moving or has moved its
20 general municipal elections to even-numbered years under the process
21 provided for in RCW 29A.04.330.

22 The terms of office of the mayor, city attorney, clerk, and
23 treasurer shall be four years and until their successors are elected
24 and qualified and assume office in accordance with RCW 29A.60.280,
25 unless the second-class city is transitioning its general municipal
26 elections to even-numbered years as provided by RCW 29A.04.330:
27 PROVIDED, That if the offices of city attorney, clerk, and treasurer
28 are made appointive, the city attorney, clerk, and treasurer shall
29 not be appointed for a definite term: PROVIDED FURTHER, That the term
30 of the elected treasurer shall not commence in the same biennium in
31 which the term of the mayor commences, nor in which the terms of the
32 city attorney and clerk commence if they are elected.

33 Council positions shall be numbered in each second-class city so
34 that council position seven has a two-year term of office and council
35 positions one through six shall each have four-year terms of office.
36 Each councilmember shall remain in office until a successor is
37 elected and qualified and assumes office in accordance with RCW
38 29A.60.280.

1 In its discretion the council of a second-class city may divide
2 the city by ordinance, into a convenient number of wards, not
3 exceeding six, fix the boundaries of the wards, and change the ward
4 boundaries from time to time and as provided in RCW 29A.76.010. No
5 change in the boundaries of any ward shall be made within one hundred
6 twenty days next before the date of a general municipal election, nor
7 within twenty months after the wards have been established or altered
8 unless pursuant to RCW 29A.92.040 or 29A.92.110. However, if a
9 boundary change results in one ward being represented by more
10 councilmembers than the number to which it is entitled, those having
11 the shortest unexpired terms shall be assigned by the council to
12 wards where there is a vacancy, and the councilmembers so assigned
13 shall be deemed to be residents of the wards to which they are
14 assigned for purposes of determining whether those positions are
15 vacant.

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

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

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

6 **Sec. 6.** RCW 35.27.090 and 2009 c 549 s 2056 are each amended to
7 read as follows:

8 All general municipal elections in towns shall be held biennially
9 in the odd-numbered years as provided in RCW 29A.04.330, except in
10 towns that are moving or have moved their regular elections to even-
11 numbered years under RCW 29A.04.330. The term of office of the mayor
12 and treasurer shall be four years and until their successors are
13 elected and qualified and assume office in accordance with RCW
14 ((29A.20.040)) 29A.60.280, unless the town is transitioning its
15 general municipal elections to even-numbered years as provided by RCW
16 29A.04.330: PROVIDED, That the term of the treasurer shall not
17 commence in the same biennium in which the term of the mayor
18 commences. Councilmembers shall be elected for four-year terms,
19 unless the town is transitioning its general municipal elections to
20 even-numbered years as provided by RCW 29A.04.330, and until their
21 successors are elected and qualified and assume office in accordance
22 with RCW ((29A.20.040)) 29A.60.280; three at one election and two at
23 the next succeeding biennial election.

24 **Sec. 7.** RCW 35.30.080 and 2015 c 53 s 42 are each amended to
25 read as follows:

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

37 (2) All general municipal elections in an unclassified city
38 adopting a resolution under subsection (1) of this section shall be

1 held biennially (~~in the odd-numbered years~~) as provided in RCW
2 29A.04.330 and shall be held in accordance with the general election
3 laws of the state. An unclassified city may hold its general
4 municipal elections in even-numbered years under RCW 29A.04.330 but
5 remains obligated to comply with the requirements of this section.

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 **Sec. 8.** RCW 35A.02.050 and 2015 c 53 s 48 are each amended to
18 read as follows:

19 The first election of officers where required for reorganization
20 under a different general plan of government newly adopted in a
21 manner provided in RCW 35A.02.020, 35A.02.030, 35A.06.030, or
22 35A.06.060, as now or hereafter amended, shall be at the next general
23 municipal election if one is to be held more than ninety days but not
24 more than one hundred (~~and~~) eighty days after certification of a
25 reorganization ordinance or resolution, or otherwise at a special
26 election to be held for that purpose in accordance with RCW
27 29A.04.330, unless the city or town is moving or has moved its
28 regularly scheduled elections to even-numbered years as provided by
29 RCW 29A.04.330, in which case it shall hold regular elections rather
30 than special elections. In the event that the first election of
31 officers is to be held at a general municipal election, such election
32 shall be preceded by a primary election pursuant to RCW 29A.52.210
33 and 29A.04.311. In the event that the first election of all officers
34 is to be held at a special election rather than at a general
35 election, and notwithstanding any provisions of any other law to the
36 contrary, such special election shall be preceded by a primary
37 election to be held on a date authorized by RCW 29A.04.321, and the
38 persons nominated at that primary election shall be voted upon at the
39 next succeeding special election that is authorized by RCW

1 29A.04.321: PROVIDED, That in the event the ordinances calling for
2 reclassification or reclassification and reorganization under the
3 provisions of (~~Title 35A RCW~~) this title have been filed with the
4 secretary of state pursuant to RCW 35A.02.040 for a special election
5 in an even-numbered year at least ninety days prior to a state
6 general election then the election of new officers shall be
7 concurrent with the state primary and general election and shall be
8 conducted as set forth in general election law.

9 Upon reorganization, candidates for all offices shall file or be
10 nominated for and successful candidates shall be elected to specific
11 council positions. The initial terms of office for those elected at a
12 first election of all officers shall be as follows: (1) A simple
13 majority of the persons who are elected as councilmembers receiving
14 the greatest numbers of votes and the mayor in a city with a mayor-
15 council plan of government shall be elected to four-year terms of
16 office, if the election is held in an odd-numbered year, or three-
17 year terms of office, if the election is held in an even-numbered
18 year except in the case of special elections in an even-numbered
19 year, when terms are three years; and (2) the other persons who are
20 elected as councilmembers shall be elected to two-year terms of
21 office, if the election is held in an odd-numbered year, or one-year
22 terms of office, if the election is held in an even-numbered year
23 except in the case of special elections in an even-numbered year,
24 when terms are one year. The newly elected officials shall take
25 office immediately when they are elected and qualified, but the
26 length of their terms of office shall be calculated from the first
27 day of January in the year following the election. Thereafter, each
28 person elected as a councilmember or mayor in a city with a mayor-
29 council plan of government shall be elected to a four-year term of
30 office. Each councilmember and mayor in a city with a mayor-council
31 plan of government shall serve until a successor is elected and
32 qualified and assumes office as provided in RCW 29A.60.280.

33 The former officers shall, upon the election and qualification of
34 new officers, deliver to the proper officers of the reorganized
35 noncharter code city all books of record, documents and papers in
36 their possession belonging to such municipal corporation before the
37 reorganization thereof.

38 **Sec. 9.** RCW 3.50.040 and 2002 c 136 s 2 are each amended to read
39 as follows:

1 Within thirty days after the effective date of the ordinance
2 creating the municipal court, the mayor of each city or town shall
3 appoint a municipal judge or judges of the municipal court for a term
4 of four years. The terms of judges serving on July 1, 1984, and
5 municipal judges who are appointed to terms commencing before January
6 1, 1986, shall expire January 1, 1986. The terms of their successors
7 shall commence on January 1, 1986, and on January 1 of each fourth
8 year thereafter, pursuant to appointment or election as provided in
9 this chapter. Term lengths for municipal judges may be modified to
10 comply with RCW 29A.04.330(6). Appointments shall be made on or
11 before December 1 of the year next preceding the year in which the
12 terms commence.

13 The legislative authority of a city or town that has the general
14 power of confirmation over mayoral appointments shall have the power
15 to confirm the appointment of a municipal judge.

16 A person appointed as a full-time or part-time municipal judge
17 shall be a citizen of the United States of America and of the state
18 of Washington; and an attorney admitted to practice law before the
19 courts of record of the state of Washington: PROVIDED, That in a
20 municipality having a population less than five thousand persons, a
21 person who has taken and passed by January 1, 2003, the qualifying
22 examination for a lay candidate for judicial officer as provided by
23 rule of the supreme court may be the judge. Any city or town shall
24 have authority to appoint a district judge as its municipal judge
25 when the municipal judge is not required to serve full time. In the
26 event of the appointment of a district judge, the city or town shall
27 pay a pro rata share of the salary.

28 **Sec. 10.** RCW 3.50.050 and 1984 c 258 s 107 are each amended to
29 read as follows:

30 The legislative authority of the city or town may, by ordinance,
31 provide that the position of municipal judge within the city or town
32 shall be an elective position. The ordinance shall provide for the
33 qualifications of the municipal judge which shall be the same as the
34 qualifications necessary for the appointment thereof; and further,
35 shall provide that the municipal judge shall be elected in the same
36 manner as other elective city officials are elected to office, and
37 that the term of the municipal judge shall be for a term of four
38 years commencing on January 1, 1986, and every four years thereafter.

1 Term lengths for municipal judges may be modified to comply with RCW
2 29A.04.330(6)."

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3 On page 1, at the beginning of line 3 of the title, strike the
4 remainder of the title and insert "amending RCW 29A.04.330,
5 35.17.020, 35.18.270, 35.23.051, 35.27.090, 35.30.080, 35A.02.050,
6 3.50.040, and 3.50.050; and creating a new section."

EFFECT: Limits the authorization to move general elections to even-numbered years to cities and towns. Requires a city or town to both (1) adopt an ordinance or policy by its legislative body, and (2) receive approval by its voters to move its general elections to even-numbered years.

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