H-2639.1 _____

SUBSTITUTE HOUSE BILL 1932
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State of Washington   **68th Legislature**   **2024 Regular Session**

By House State Government & Tribal Relations (originally sponsored by Representatives Gregerson, Farivar, Peterson, Alvarado, Berry, Ramel, Stearns, Mena, Bateman, Reed, Simmons, Ormsby, Macri, Street, Orwall, Goodman, Berg, Lekanoff, Reeves, Nance, Riccelli, and Fosse)

1   AN ACT Relating to shifting general elections for local
2 governments to even-numbered years to increase voter participation;
3 amending RCW 29A.04.330, 35.17.020, 35.18.270, 35.23.051, 35.27.090,
4 35.30.080, 35A.02.050, and 3.50.040; and creating a new section.

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

6   NEW SECTION. **Sec. 1.** The legislature finds that participation
7 in local government elections is integral to ensuring that local
8 governments and elected officials accurately represent and are
9 accountable to the communities which they serve. The legislature
10 believes that when there is low voter participation in an election,
11 policy outcomes are more favorable to special interests and less
12 reflective of the needs of the broader community. Over the past eight
13 years, Washington has had a dramatic gap between odd-year and even-
14 year voter participation: Participation in local elections in odd-
15 numbered years averages around 40.5 percent, while even-numbered year
16 elections average around 80 percent participation, nearly double that
17 of odd-year elections.
18   Under current law, local governments generally must conduct
19 elections in odd-numbered years that do not coincide with federal or
20 state elections. The legislature believes that holding local
21 government elections in even-numbered years will increase voter

turnout and ensure that a broader cross-section of voters participate
in contests for local offices, resulting in local governments that
more accurately represent and reflect the desires and needs of their
communities. In particular, an increase in voter turnout will ensure
that the voices of younger voters, working and low-income families,
and people with disabilities are heard. Therefore, to increase voter
participation in local elections, the legislature intends to provide
local governments the option to conduct local elections in even-
numbered years.

Sec. 2. RCW 29A.04.330 and 2015 c 146 s 2 are each amended to
read as follows:
    (1) All city, town, and district general elections shall be held
throughout the state of Washington on the first Tuesday following the
first Monday in November in the odd-numbered years, except as
provided in subsection (6) of this section.
    This section shall not apply to:
    (a) Elections for the recall of any elective public officer;
    (b) Public utility districts, conservation districts, or district
elections at which the ownership of property within those districts
is a prerequisite to voting, all of which elections shall be held at
the times prescribed in the laws specifically applicable thereto;
    (c) Consolidation proposals as provided for in RCW 28A.315.235
and nonhigh capital fund aid proposals as provided for in chapter
28A.540 RCW; and
    (d) Special flood control districts consisting of three or more
counties.
    (2) The county auditor, as ex officio supervisor of elections,
upon request in the form of a resolution of the governing body of a
city, town, or district, presented to the auditor prior to the
proposed election date, shall call a special election in such city,
town, or district, and for the purpose of such special election he or
she may combine, unite, or divide precincts. Such a special election
shall be held on one of the following dates as decided by the
governing body:
    (a) The second Tuesday in February;
    (b) The fourth Tuesday in April;
    (c) The day of the primary election as specified by RCW
29A.04.311; or
    (d) The first Tuesday after the first Monday in November.

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

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

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

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

(a) A city, town, or special purpose district moving its regular elections to even-numbered years through adoption of an ordinance or policy by its legislative body must hold two public hearings not less than 30 days apart to consider public input. A vote on final adoption of the ordinance or policy may be taken only after at least 30 days have elapsed since the date on which the second of the two public hearings was held.

(b) A city, town, or special purpose district moving its regular elections to even-numbered years must transition from odd-numbered to even-numbered years by electing each position to one term that is one

year shorter in duration than provided by law. After conclusion of
that term, beginning in an even-numbered year, elections for
positions must be for their prescribed term lengths. For special
purpose districts, this subsection shall supersede any conflicting
provisions regarding term lengths in statutes governing the district.
   (c) A city, town, or special purpose district that chooses to
hold its elections in even-numbered years must do so for all elected
positions in the jurisdiction.
   (d) An ordinance, charter amendment, or policy adopted by the
legislative body or qualified electors of a city, town, or special
purpose district to switch its elections to even-numbered years is
not revocable.
   (e) An ordinance, charter amendment, or policy must be adopted by
January 15th of an odd-numbered year for the city, town, or special
purpose district to begin transition under (b) of this subsection in
that calendar year.

   Sec. 3.   RCW 35.17.020 and 2013 c 11 s 87 are each amended to
read as follows:
   (1) All regular elections in cities organized under the statutory
commission form of government shall be held quadrennially in the odd-
numbered years on the dates provided in RCW 29A.04.330, except for
cities that are moving or have moved their regular elections to even-
numbered years under RCW 29A.04.330. ((However, after commissioners
are elected at the next general election occurring in 1995 or 1997,
regular elections in cities organized under a statutory commission
form of government shall be held biennially at municipal general
elections.))
   (2) The commissioners shall be nominated and elected at large.
Their terms shall be for four years, unless the city is transitioning
its regular elections to even-numbered years as provided by RCW
29A.04.330, and until their successors are elected and qualified and
assume office in accordance with RCW 29A.60.280. However, at the next
regular election of a city organized under a statutory commission
form of government, the terms of office of commissioners shall occur
with the person who is elected as a commissioner receiving the least
number of votes being elected to a two-year term of office and the
other two persons who are elected being elected to four-year terms of
office. Thereafter, commissioners shall be elected to four-year terms
of office.

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

3   **Sec. 4.** RCW 35.18.270 and 1994 c 223 s 13 are each amended to
4   read as follows:
5   If the majority of the votes cast at a special election for
6   organization on the council-manager plan favor the plan, the city or
7   town shall elect the council required under the council-manager plan
8   in number according to its population at the next municipal general
9   election. However, special elections shall be held to nominate and
10   elect the new city councilmembers at the next primary and general
11   election held in an even-numbered year if the next municipal general
12   election is more than one year after the date of the election at
13   which the voters approved the council-manager plan, unless the city
14   or town is moving or has moved its regularly scheduled elections to
15   even-numbered years as provided by RCW 29A.04.330, in which case it
16   shall hold regular elections rather than special elections. The
17   staggering of terms of office shall occur at the election when the
18   new councilmembers are elected, where the simple majority of the
19   persons elected as councilmembers receiving the greatest numbers of
20   votes shall be elected to four-year terms of office if the election
21   is held in an odd-numbered year, or three-year terms of office if the
22   election is a special election held in an even-numbered year, and the
23   remainder of the persons elected as councilmembers shall be elected
24   to two-year terms of office if the election is held in an odd-
25   numbered year, or one-year terms of office if the election is a
26   special election held in an even-numbered year. The initial
27   councilmembers shall take office immediately when they are elected
28   and qualified, but the lengths of their terms of office shall be
29   calculated from the first day in January in the year following the
30   election.

31   **Sec. 5.** RCW 35.23.051 and 2019 c 454 s 5 are each amended to
32   read as follows:
33   General municipal elections in second-class cities shall be held
34   biennially in the odd-numbered years and shall be subject to general
35   election law, unless a second-class city is moving or has moved its
36   general municipal elections to even-numbered years under the process
37   provided for in RCW 29A.04.330.

1   The terms of office of the mayor, city attorney, clerk, and
2 treasurer shall be four years and until their successors are elected
3 and qualified and assume office in accordance with RCW 29A.60.280,
4 unless the second-class city is transitioning its general municipal
5 elections to even-numbered years as provided by RCW 29A.04.330:
6 PROVIDED, That if the offices of city attorney, clerk, and treasurer
7 are made appointive, the city attorney, clerk, and treasurer shall
8 not be appointed for a definite term: PROVIDED FURTHER, That the term
9 of the elected treasurer shall not commence in the same biennium in
10 which the term of the mayor commences, nor in which the terms of the
11 city attorney and clerk commence if they are elected.

12   Council positions shall be numbered in each second-class city so
13 that council position seven has a two-year term of office and council
14 positions one through six shall each have four-year terms of office.
15 Each councilmember shall remain in office until a successor is
16 elected and qualified and assumes office in accordance with RCW
17 29A.60.280.

18   In its discretion the council of a second-class city may divide
19 the city by ordinance, into a convenient number of wards, not
20 exceeding six, fix the boundaries of the wards, and change the ward
21 boundaries from time to time and as provided in RCW 29A.76.010. No
22 change in the boundaries of any ward shall be made within one hundred
23 twenty days next before the date of a general municipal election, nor
24 within twenty months after the wards have been established or altered
25 unless pursuant to RCW 29A.92.040 or 29A.92.110. However, if a
26 boundary change results in one ward being represented by more
27 councilmembers than the number to which it is entitled, those having
28 the shortest unexpired terms shall be assigned by the council to
29 wards where there is a vacancy, and the councilmembers so assigned
30 shall be deemed to be residents of the wards to which they are
31 assigned for purposes of determining whether those positions are
32 vacant.

33   Whenever such city is so divided into wards, the city council
34 shall designate by ordinance the number of councilmembers to be
35 elected from each ward, apportioning the same in proportion to the
36 population of the wards. Thereafter the councilmembers so designated
37 shall be elected by the voters resident in such ward, or by general
38 vote of the whole city as may be designated in such ordinance.
39 Council position seven shall not be associated with a ward and the
40 person elected to that position may reside anywhere in the city and

voters throughout the city may vote at a primary to nominate candidates for position seven, when a primary is necessary, and at a general election to elect the person to council position seven. Additional territory that is added to the city shall, by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilmember from the ward for which he or she was elected shall create a vacancy in such office.

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

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

All general municipal elections in towns shall be held biennially in the odd-numbered years as provided in RCW 29A.04.330, except in towns that are moving or have moved their regular elections to even-numbered years under RCW 29A.04.330. The term of office of the mayor and treasurer shall be four years and until their successors are elected and qualified and assume office in accordance with RCW ((29A.20.040)) 29A.60.280, unless the town is transitioning its general municipal elections to even-numbered years as provided by RCW 29A.04.330: PROVIDED, That the term of the treasurer shall not commence in the same biennium in which the term of the mayor commences. Councilmembers shall be elected for four-year terms, unless the town is transitioning its general municipal elections to even-numbered years as provided by RCW 29A.04.330, and until their successors are elected and qualified and assume office in accordance

1 with RCW ((29A.20.040)) 29A.60.280; three at one election and two at
2 the next succeeding biennial election.

3   **Sec. 7.** RCW 35.30.080 and 2015 c 53 s 42 are each amended to
4 read as follows:
5   (1) When a majority of the legislative body of an unclassified
6 city determines that it would serve the best interests and general
7 welfare of such municipality to change the election procedures of
8 such city to the procedures specified in this section, such
9 legislative body may, by resolution, declare its intention to adopt
10 such procedures for the city. Such resolution must be adopted at
11 least one hundred eighty days before the general municipal election
12 at which the new election procedures are implemented. Within ten days
13 after the passage of the resolution, the legislative body shall cause
14 it to be published at least once in a newspaper of general
15 circulation within the city.
16   (2) All general municipal elections in an unclassified city
17 adopting a resolution under subsection (1) of this section shall be
18 held biennially ((in the odd-numbered years)) as provided in RCW
19 29A.04.330 and shall be held in accordance with the general election
20 laws of the state. An unclassified city may hold its general
21 municipal elections in even-numbered years under RCW 29A.04.330 but
22 remains obligated to comply with the requirements of this section.
23   The term of the treasurer shall not commence in the same biennium
24 in which the term of the mayor commences. Candidates for the city
25 council shall run for specific council positions. The staggering of
26 terms of city officers shall be established at the first election,
27 where the simple majority of the persons elected as councilmembers
28 receiving the greatest numbers of votes shall be elected to four-year
29 terms of office and the remainder of the persons elected as
30 councilmembers and the treasurer shall be elected to two-year terms
31 of office. Thereafter, all elected city officers shall be elected for
32 four-year terms and until their successors are elected and qualified
33 and assume office in accordance with RCW 29A.60.280.

34   **Sec. 8.** RCW 35A.02.050 and 2015 c 53 s 48 are each amended to
35 read as follows:
36   The first election of officers where required for reorganization
37 under a different general plan of government newly adopted in a
38 manner provided in RCW 35A.02.020, 35A.02.030, 35A.06.030, or

1 35A.06.060, as now or hereafter amended, shall be at the next general
2 municipal election if one is to be held more than ninety days but not
3 more than one hundred ((and)) eighty days after certification of a
4 reorganization ordinance or resolution, or otherwise at a special
5 election to be held for that purpose in accordance with RCW
6 29A.04.330, unless the city or town is moving or has moved its
7 regularly scheduled elections to even-numbered years as provided by
8 RCW 29A.04.330, in which case it shall hold regular elections rather
9 than special elections. In the event that the first election of
10 officers is to be held at a general municipal election, such election
11 shall be preceded by a primary election pursuant to RCW 29A.52.210
12 and 29A.04.311. In the event that the first election of all officers
13 is to be held at a special election rather than at a general
14 election, and notwithstanding any provisions of any other law to the
15 contrary, such special election shall be preceded by a primary
16 election to be held on a date authorized by RCW 29A.04.321, and the
17 persons nominated at that primary election shall be voted upon at the
18 next succeeding special election that is authorized by RCW
19 29A.04.321: PROVIDED, That in the event the ordinances calling for
20 reclassification or reclassification and reorganization under the
21 provisions of ((Title 35A RCW)) this title have been filed with the
22 secretary of state pursuant to RCW 35A.02.040 for a special election
23 in an even-numbered year at least ninety days prior to a state
24 general election then the election of new officers shall be
25 concurrent with the state primary and general election and shall be
26 conducted as set forth in general election law.
27   Upon reorganization, candidates for all offices shall file or be
28 nominated for and successful candidates shall be elected to specific
29 council positions. The initial terms of office for those elected at a
30 first election of all officers shall be as follows: (1) A simple
31 majority of the persons who are elected as councilmembers receiving
32 the greatest numbers of votes and the mayor in a city with a mayor-
33 council plan of government shall be elected to four-year terms of
34 office, if the election is held in an odd-numbered year, or three-
35 year terms of office, if the election is held in an even-numbered
36 year except in the case of special elections in an even-numbered
37 year, when terms are three years; and (2) the other persons who are
38 elected as councilmembers shall be elected to two-year terms of
39 office, if the election is held in an odd-numbered year, or one-year
40 terms of office, if the election is held in an even-numbered year

1 <u>except in the case of special elections in an even-numbered year,</u>
2 <u>when terms are one year</u>. The newly elected officials shall take
3 office immediately when they are elected and qualified, but the
4 length of their terms of office shall be calculated from the first
5 day of January in the year following the election. Thereafter, each
6 person elected as a councilmember or mayor in a city with a mayor-
7 council plan of government shall be elected to a four-year term of
8 office. Each councilmember and mayor in a city with a mayor-council
9 plan of government shall serve until a successor is elected and
10 qualified and assumes office as provided in RCW 29A.60.280.

11   The former officers shall, upon the election and qualification of
12 new officers, deliver to the proper officers of the reorganized
13 noncharter code city all books of record, documents and papers in
14 their possession belonging to such municipal corporation before the
15 reorganization thereof.

16   **Sec. 9.** RCW 3.50.040 and 2002 c 136 s 2 are each amended to read
17 as follows:
18   Within thirty days after the effective date of the ordinance
19 creating the municipal court, the mayor of each city or town shall
20 appoint a municipal judge or judges of the municipal court for a term
21 of four years. The terms of judges serving on July 1, 1984, and
22 municipal judges who are appointed to terms commencing before January
23 1, 1986, shall expire January 1, 1986. The terms of their successors
24 shall commence on January 1, 1986, and on January 1 of each fourth
25 year thereafter, pursuant to appointment or election as provided in
26 this chapter. <u>Term lengths for municipal judges may be modified to</u>
27 <u>comply with RCW 29A.04.330(6).</u> Appointments shall be made on or
28 before December 1 of the year next preceding the year in which the
29 terms commence.
30   The legislative authority of a city or town that has the general
31 power of confirmation over mayoral appointments shall have the power
32 to confirm the appointment of a municipal judge.
33   A person appointed as a full-time or part-time municipal judge
34 shall be a citizen of the United States of America and of the state
35 of Washington; and an attorney admitted to practice law before the
36 courts of record of the state of Washington: PROVIDED, That in a
37 municipality having a population less than five thousand persons, a
38 person who has taken and passed by January 1, 2003, the qualifying
39 examination for a lay candidate for judicial officer as provided by

1 rule of the supreme court may be the judge. Any city or town shall
2 have authority to appoint a district judge as its municipal judge
3 when the municipal judge is not required to serve full time. In the
4 event of the appointment of a district judge, the city or town shall
5 pay a pro rata share of the salary.

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