S-1119.3

SENATE BILL 5723

State of Washington   68th Legislature   2023 Regular Session

By Senators Valdez and Kuderer

1   AN ACT Relating to giving cities and towns the freedom to switch
2 their general elections to even-numbered years to take advantage of
3 higher and more diverse voter turnout; amending RCW 29A.04.330,
4 35.17.020,   35.18.270,   35.23.051,   35.27.090,   35.30.080,   and
5 35A.02.050; and creating new sections.

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

7   **PART I**
8   **STATEMENT OF LEGISLATIVE INTENT**

9   <u>NEW SECTION.</u> **Sec. 1.**   The legislature finds that Washington
10 state voter turnout in even-numbered years is demonstrably higher and
11 more diverse than voter turnout in odd-numbered years. The
12 legislature recognizes that every credible academic study examining
13 election timing for localities in the United States has concluded
14 that holding elections in even-numbered years results in greater
15 voter participation. With this act, the legislature intends to give
16 cities and towns the freedom to choose their election timing for the
17 first time in more than half a century.

18   **PART II**

ALLOWING CITIES AND TOWNS TO HOLD GENERAL 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 for cities and towns that choose to hold their elections in even-numbered years following the process 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

1 regular candidate filing. A resolution calling for a special election
2 on a date set forth in subsection (2)(d) of this section must be
3 presented to the county auditor no later than the day of the primary.

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

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

19 (6) A city or town may choose to hold its regular elections in
20 even-numbered years by providing notice to the county or counties in
21 which it is located following either adoption of an ordinance or
22 approval by the voters of an ordinance or charter amendment referred
23 by its legislative body.

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

30 (b) A city or town moving its regular elections to even-numbered
31 years must transition from odd-numbered to even-numbered years by
32 electing each position to one term that is one year shorter in
33 duration than it would usually be. After conclusion of that term,
34 beginning in an even-numbered year, elections for that city's or
35 town's positions must be for their usual term lengths.

36 (c) The ordinance adopted by the city or town or referred to
37 voters for approval must specify the dates of the odd-numbered year
38 general elections at which each of the offices being transitioned to
39 even-numbered years are contested for shortened terms.

(d) Ordinances or charter amendments enacted under this section
must name and must include all the elected positions in the city or
town resolving to switch to even-numbered years, except for any
positions already elected in even-numbered years.

(e) Cities required to hold elections biennially that switch to
holding elections in even-numbered years remain required to hold
elections biennially.

(f) An ordinance or charter amendment adopted by the legislative
body or qualified electors of a city or town to switch its elections
to even-numbered years is not revocable.

(g) An ordinance or charter amendment must be adopted by January
15th of an odd-numbered year for the city to begin transition under
(b) of this subsection in that calendar year. If the city or town
adopts its ordinance or charter amendment after January 15th of an
odd-numbered year, the transition under (b) of this subsection cannot
begin before the next odd-numbered 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 the process allowed by 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 allowed 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 resolves to move its regularly scheduled elections to even-
15 numbered years as allowed by RCW 29A.04.330, in which case it shall
16 hold regular elections rather than special elections. The staggering
17 of terms of office shall occur at the election when the new
18 councilmembers are elected, where the simple majority of the persons
19 elected as councilmembers receiving the greatest numbers of votes
20 shall be elected to four-year terms of office if the election is held
21 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 has chosen to hold its
36 general municipal elections in 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 allowed 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 the process allowed by 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 allowed 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 allowed by RCW 29A.04.330, and
until their successors are elected and qualified and assume office in

1 accordance with RCW ((29A.20.040)) 29A.60.280; three at one election
2 and two at 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 choose to hold its
21 general municipal elections in even-numbered years by following the
22 process in RCW 29A.04.330 but remains obligated to comply with the
23 requirements of this section.
24   The term of the treasurer shall not commence in the same biennium
25 in which the term of the mayor commences. Candidates for the city
26 council shall run for specific council positions. The staggering of
27 terms of city officers shall be established at the first election,
28 where the simple majority of the persons elected as councilmembers
29 receiving the greatest numbers of votes shall be elected to four-year
30 terms of office and the remainder of the persons elected as
31 councilmembers and the treasurer shall be elected to two-year terms
32 of office. Thereafter, all elected city officers shall be elected for
33 four-year terms and until their successors are elected and qualified
34 and assume office in accordance with RCW 29A.60.280.

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

manner provided in RCW 35A.02.020, 35A.02.030, 35A.06.030, or
35A.06.060, as now or hereafter amended, shall be at the next general
municipal election if one is to be held more than ninety days but not
more than one hundred ((and)) eighty days after certification of a
reorganization ordinance or resolution, or otherwise at a special
election to be held for that purpose in accordance with RCW
29A.04.330, unless the city or town resolves to move its regularly
scheduled elections to even-numbered years as allowed by RCW
29A.04.330, in which case it shall hold regular elections rather than
special elections. In the event that the first election of officers
is to be held at a general municipal election, such election shall be
preceded by a primary election pursuant to RCW 29A.52.210 and
29A.04.311. In the event that the first election of all officers is
to be held at a special election rather than at a general election,
and notwithstanding any provisions of any other law to the contrary,
such special election shall be preceded by a primary election to be
held on a date authorized by RCW 29A.04.321, and the persons
nominated at that primary election shall be voted upon at the next
succeeding special election that is authorized by RCW 29A.04.321:
PROVIDED, That in the event the ordinances calling for
reclassification or reclassification and reorganization under the
provisions of ((Title 35A RCW)) this title have been filed with the
secretary of state pursuant to RCW 35A.02.040 for a special election
in an even-numbered year at least ninety days prior to a state
general election then the election of new officers shall be
concurrent with the state primary and general election and shall be
conducted as set forth in general election law.

Upon reorganization, candidates for all offices shall file or be
nominated for and successful candidates shall be elected to specific
council positions. The initial terms of office for those elected at a
first election of all officers shall be as follows: (1) A simple
majority of the persons who are elected as councilmembers receiving
the greatest numbers of votes and the mayor in a city with a mayor-
council plan of government shall be elected to four-year terms of
office, if the election is held in an odd-numbered year, or three-
year terms of office, if the election is held in an even-numbered
year except in the case of special elections in an even-numbered
year, when terms are three years; and (2) the other persons who are
elected as councilmembers shall be elected to two-year terms of
office, if the election is held in an odd-numbered year, or one-year

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

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

NEW SECTION. **Sec. 9.** This act may be known and cited as the Washington cities' and towns' freedom to choose even-numbered elections act.

--- **END** ---