
HOUSE BILL 2325

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Edmondson, H. Myers and Springer

Read first time 01/14/94. Referred to Committee on Local Government.

1 AN ACT Relating to city and town elections; amending RCW 35.17.370,
2 35.17.380, 35.17.400, 35.18.230, 35.18.240, 35.18.290, 35.18.320,
3 35A.02.010, 35A.02.020, 35A.02.025, 35A.02.030, 35A.02.060, 35A.02.070,
4 35A.02.090, 35A.02.140, 35A.06.010, 35A.06.020, 35A.06.040, 35A.06.070,
5 35A.12.010, 35A.12.040, 35A.13.010, 35A.13.020, 35A.13.030, and
6 35A.29.170; adding new sections to chapter 35.17 RCW; adding a new
7 section to chapter 35.18 RCW; adding new sections to chapter 35A.02
8 RCW; adding new sections to chapter 35A.06 RCW; creating a new section;
9 and repealing RCW 35.17.390, 35.17.430, 35.17.440, 35.17.450,
10 35.17.460, 35.18.250, 35.18.260, 35.18.270, 35.18.280, 35.18.285,
11 35.18.300, 35.18.310, 35A.02.001, 35A.02.035, 35A.02.040, 35A.02.050,
12 35A.02.055, 35A.02.080, 35A.02.100, 35A.02.110, 35A.02.120, 35A.02.130,
13 35A.06.030, 35A.06.050, and 35A.06.060.

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

15 NEW SECTION. **Sec. 1.** The purposes of this act are to enhance the
16 flexibility by which the plan of government under which a city or town
17 operates may be changed and to enhance the flexibility by which a city
18 or town is reorganized as a noncharter code city or a code city is
19 reorganized as a city or town by: (1) Clarifying the procedures by

1 which these changes are made; (2) standardizing the signature
2 requirement for petitions proposing any of these changes; and (3)
3 eliminating instances where the term of office of each councilmember is
4 terminated, and each new councilmember is elected at a single election,
5 when a city or town adopts a different plan of government.

6 **Sec. 2.** RCW 35.17.370 and 1965 c 7 s 35.17.370 are each amended to
7 read as follows:

8 Any city operating under chapter 35.23 or 35.24 RCW having a
9 population of two thousand ((and)) or more but less than thirty
10 thousand may ((organize as a city under)) change its plan of government
11 to the commission ((form)) plan of government under this chapter.
12 ~~((The requisite population shall be determined by the last preceding~~
13 ~~state or federal census or the council may cause a census to be taken~~
14 ~~by one or more suitable persons, in which the full name of each person~~
15 ~~in the city shall be plainly written, the names alphabetically arranged~~
16 ~~and regularly numbered in a complete series, verified before an officer~~
17 ~~authorized to administer oaths and filed with the city clerk.))~~

18 **Sec. 3.** RCW 35.17.380 and 1965 c 7 s 35.17.380 are each amended to
19 read as follows:

20 ~~((Upon petition of electors in any city equal in number to twenty-~~
21 ~~five percent of the votes cast for all candidates for mayor at the last~~
22 ~~preceding city election therein, the mayor by proclamation shall cause~~
23 ~~to be submitted the question of organizing the city under the~~
24 ~~commission form of government at a special election at a time specified~~
25 ~~therein and within sixty days after the filing of the petition.))~~ A
26 ballot proposition authorizing a change in plan of government to a
27 commission plan shall be submitted to voters of the city if a petition
28 proposing this change is submitted to the city clerk that has been
29 signed by voters in the city equal in number to at least ten percent of
30 the number of voters in the city who voted at the last municipal
31 general election. The clerk shall promptly forward the petition to the
32 county clerk who shall promptly proceed to determine the sufficiency of
33 the petition.

34 If the county auditor certifies the petition as having sufficient
35 valid signatures, a ballot proposition shall be submitted to the voters
36 at the next municipal general election if one is to be held within one
37 hundred eighty days after the date the petition was filed, or otherwise

1 at a special election to be held for that purpose not less than ninety
2 days nor more than one hundred eighty days after the date the petition
3 was filed.

4 If the plan is not adopted (~~(at the special election called)~~), it
5 shall not be resubmitted to the voters of the city (~~(for adoption)~~)
6 within two years (~~(thereafter)~~) after this election.

7 **Sec. 4.** RCW 35.17.400 and 1979 ex.s. c 126 s 18 are each amended
8 to read as follows:

9 The first election of commissioners shall be held (~~(within)~~) at the
10 next special election date occurring at least sixty days after the
11 (~~adoption of the~~) ballot proposition (~~to organize under the~~
12 commission form, and) authorizing the city to adopt the commission
13 plan of government is approved by a simple majority vote of voters
14 voting on the proposition. The commission first elected shall commence
15 to serve as soon as they have been elected and have qualified and shall
16 continue to serve until their successors have been elected and
17 qualified and have assumed office in accordance with RCW 29.04.170.
18 The date of the second election for commissioners shall be in
19 accordance with RCW 29.13.020 such that the terms of office of the
20 first commissioners will be as near as possible to, but not in excess
21 of, four years.

22 The terms of office of the persons serving as councilmembers,
23 mayor, and any other nonjudicial city or town elected office shall
24 terminate at the date when the first commissioners assume office.

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 35.17 RCW
26 to read as follows:

27 A city that has operated with a commission plan of government for
28 at least six years may change its plan of government to a council-
29 manager plan following the procedure provided in chapter 35.18 RCW or
30 to a mayor-council plan following the procedure provided in this
31 chapter.

32 A ballot proposition shall be submitted to the voters of a city
33 authorizing a change in the plan of government for the city from a
34 commission plan to a mayor-council plan under chapter 35.23 or 35.24
35 RCW if either the commission adopts a resolution proposing this change
36 or a petition proposing this change is filed with the city clerk that
37 has been signed by voters of the city equal in number to at least ten

1 percent of the number of voters in the city voting at the last
2 preceding general municipal election held in the city for the election
3 of commissioners. The petition or resolution shall propose that the
4 city retain its classification as a second class or third class city
5 that it had prior to adopting a commission plan of government or
6 reorganize and alter its classification to a second class city or third
7 class city according to the current population of the city.

8 The clerk shall promptly transfer the petition to the county
9 auditor who shall promptly proceed to determine the sufficiency of the
10 petition. If the county auditor certifies the petition as having
11 sufficient valid signatures, a ballot proposition shall be submitted to
12 the voters at the next general municipal election if one is to be held
13 within one hundred eighty days after the date the petition was filed,
14 or otherwise at a special election to be held for that purpose not less
15 than ninety days nor more than one hundred eighty days the date the
16 petition was filed.

17 If it is proposed that the city both change its plan of government
18 and reorganize according to its current population, a single ballot
19 proposition containing both proposals and naming the appropriate
20 classification of city shall be submitted to voters for their approval
21 or rejection.

22 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.17 RCW
23 to read as follows:

24 If the ballot proposition providing for the change in plan of
25 government to a mayor-council plan is approved by a simple majority
26 vote of voters voting on the proposition, the change in plan of
27 government shall become effective on the earlier of sixty days after
28 the date of the election at which the ballot proposition was approved
29 or the first day of January in the year following the election.

30 The members of the city commission, or the newly elected
31 commissioners if the ballot proposition is approved at a municipal
32 general election at which city commissioners normally are elected,
33 shall be members of the resulting council and retain the same terms of
34 office they would possess as if the change in plan of government had
35 not been approved. The additional councilmembers shall be appointed as
36 if a vacancy existed for each additional position. The terms of office
37 for these additional council positions shall be staggered at the next
38 general municipal election when persons are elected to these additional

1 positions so that, depending on the population of the city or town,
2 either three or two, or four or three, positions normally are filled at
3 every other subsequent municipal general election. The staggering
4 shall be accomplished by having the appropriate number of persons who
5 are elected receiving the greater numbers of votes being elected to
6 four-year terms of office and the other persons who are elected to the
7 additional positions being elected to two-year terms of office. Their
8 successors shall be elected to four-year terms of office.

9 A mayor and any other nonjudicial city or town elected officials
10 shall be appointed as if a vacancy existed in each of these offices and
11 the first person elected to fill each of these positions at a municipal
12 general election shall be elected to a four-year term of office.

13 All appointments shall be made prior to the effective date of the
14 change in plan of government and shall be effective immediately upon
15 the change in plan of government.

16 The change in plan of government shall not affect the property,
17 rights, or liabilities of the city.

18 **Sec. 7.** RCW 35.18.230 and 1965 c 7 s 35.18.230 are each amended to
19 read as follows:

20 Any second class city, third class city, or town having a
21 population of less than thirty thousand may ~~((be organized as))~~ adopt
22 a council-manager ~~((city or town))~~ plan of government under this
23 chapter.

24 **Sec. 8.** RCW 35.18.240 and 1965 c 7 s 35.18.240 are each amended to
25 read as follows:

26 ~~((Petitions to reorganize))~~ A ballot proposition authorizing a
27 change in the plan of government for a city or town ~~((on the council-~~
28 ~~manager plan must be))~~ to a council-manager plan shall be submitted to
29 the voters of the city or town if either a resolution proposing this
30 change is adopted by the city or town council or commission or a
31 petition proposing this change is filed with the clerk of the city or
32 town that has been signed by ~~((registered))~~ city or town voters
33 ~~((resident therein))~~ equal in number to at least ~~((twenty))~~ ten percent
34 of the ~~((votes cast for all candidates for mayor))~~ number of voters in
35 the city or town who voted at the last preceding municipal general
36 election. ~~((In addition to the signature and residence addresses of~~

1 ~~the petitioners thereon, a petition must contain an affidavit stating~~
2 ~~the number of signers thereon at the time the affidavit is made.~~

3 ~~Petitions containing the required number of signatures shall be~~
4 ~~accepted by the city or town clerk as prima facie valid until their~~
5 ~~invalidity has been proved.)) The clerk shall promptly transfer the~~
6 ~~petition to the county auditor who shall promptly proceed to determine~~
7 ~~the sufficiency of the petition.~~

8 A variation on such petitions between the signatures on the
9 petition and that on the voter's permanent registration caused by the
10 substitution of initials instead of the first or middle names or both
11 shall not invalidate the signature on the petition if the surname and
12 handwriting are the same. Signatures, including the original, of any
13 voter who has signed such petitions two or more times shall be
14 stricken.

15 If the county auditor certifies the petition as having sufficient
16 valid signatures, the city or town council or commission shall cause a
17 ballot proposition to be submitted to the voters at the next general
18 municipal election if one is to be held within one hundred eighty days
19 after the date the petition was filed, or otherwise at a special
20 election to be held for that purpose not less than ninety days nor more
21 than one hundred eighty days the date the petition was filed.

22 NEW SECTION. Sec. 9. A new section is added to chapter 35.18 RCW
23 to read as follows:

24 If the ballot proposition is approved by a simple majority of the
25 voters voting on the proposition, the city or town shall operate under
26 a council-manager plan of government effective on the earlier of sixty
27 days after the date of the election at which the ballot proposition was
28 approved or the first day of January in the year following the
29 election. The officials of the city or town shall be as follows:

30 (1) Members of the prior council or commission, including any
31 person who is elected as a member of the prior council or commission at
32 that same election if the ballot proposition was approved at a
33 municipal general election, shall be members of the resulting council
34 and retain the same terms of office they would possess as if the change
35 in plan of government had not been approved.

36 (2) Where the number of members on the resulting council is greater
37 than the number of members on the prior council or commission, the
38 additional members shall be appointed as if a vacancy existed for each

1 additional position. The terms of office for these additional council
2 positions shall be staggered at the next general municipal election
3 when persons are elected to these additional positions so that,
4 depending on the population of the city or town, either three or two,
5 or four or three, positions normally are filled at every other
6 subsequent municipal general election. The staggering shall be
7 accomplished by having the appropriate number of persons who are
8 elected receiving the greater numbers of votes being elected to four-
9 year terms of office and the other persons who are elected to the
10 additional positions being elected to two-year terms of office. Their
11 successors shall be elected to four-year terms of office.

12 (3) If the total number of positions to be reduced from the prior
13 council is an even number, the same number of positions shall be
14 reduced at each of the next two municipal general elections to reach
15 the appropriate number of positions on the resulting council. If the
16 total number of positions to be reduced from the prior council is an
17 odd number, one more position shall be reduced at the first municipal
18 general election than at the second municipal general election
19 occurring after the ballot proposition was approved. However, if the
20 ballot proposition was approved at a special election held in September
21 in an odd-numbered year, the reduction shall occur in the same manner
22 except that an election for each position that otherwise would be
23 filled at the next general election shall occur as if a reduction had
24 not been approved, but by lot the prior council shall determine which
25 position or positions are to be eliminated from among the persons who
26 received the greatest number of votes for each position at that
27 election to reduce the appropriate number of positions at that
28 election. The persons who received the greatest number of votes for
29 each position that is eliminated shall not be elected to office.

30 (4) The terms of the persons serving as the mayor and any other
31 nonjudicial city or town elected office other than councilmembers shall
32 terminate at the date the council-manager plan becomes effective.

33 (5) The council shall appoint a person to serve as the city or town
34 manager commencing on the date the council-manager plan becomes
35 effective.

36 **Sec. 10.** RCW 35.18.290 and 1965 ex.s. c 47 s 4 are each amended to
37 read as follows:

1 Any city or town which has operated under the council-manager plan
2 of government for more than six years may abandon (~~(such organization~~
3 ~~and accept the provisions of the general laws then applicable to~~
4 ~~municipalities upon the petition of not less than twenty percent of the~~
5 ~~registered voters therein,)) this plan of government and adopt the
6 mayor-council plan of government under chapter 35.23, 35.24, or 35.27
7 RCW, either without changing its classification ((unless it desires to
8 do so)) or reorganizing and changing its classification in accordance
9 with the current population of the city or town.~~

10 A ballot proposition to change the plan of government to a mayor-
11 council plan shall be submitted to the voters of the city or town if
12 the council adopts a resolution proposing this change or a petition
13 proposing this change is filed with the clerk of the city or town that
14 has been signed by voters of the city or town equal in number to at
15 least ten percent of the number of voters voting in the city or town at
16 the last municipal general election. The resolution or petition also
17 may propose that the city or town reorganize and change its
18 classification in accordance with its current population. The
19 provisions of this chapter relating to petitions, resolutions, and
20 election authorizing a change in the plan of government to a council-
21 manager plan shall apply to petitions, resolutions, and elections under
22 this section insofar as those provisions are applicable.

23 The ballot proposition shall inquire if voters want to adopt a
24 mayor-council plan of government. If it is proposed that the city or
25 town also reorganize and alter its classification, a single ballot
26 proposition shall inquire if voters want to both adopt a mayor-council
27 plan of government and reorganize under the classification in
28 accordance with its current population, indicating the new
29 classification of city or town that would apply.

30 **Sec. 11.** RCW 35.18.320 and 1965 c 7 s 35.18.320 are each amended
31 to read as follows:

32 (1) If a majority of votes cast ((at the special election)) favor
33 the ((abandonment of the council-manager form)) adoption of a mayor-
34 council plan of government, the officers ((elected at the next
35 succeeding biennial election shall be those then prescribed for cities
36 or towns of like class. Upon the qualification of such officers, the
37 municipality shall again become organized under the general laws of the
38 state, but such)) shall be composed in the same manner as provided in

1 section 9 of this act when a city or town adopts a council-manager plan
2 of government, except that:

3 (a) Where one of the resulting council positions has a two-year
4 term of office, the council shall determine by lot which position that
5 is filled at the next general municipal election shall be associated
6 permanently with a two-year term of office.

7 (b) Any other nonjudicial city or town elected positions shall be
8 filled as if vacancies existed in those positions and the persons
9 elected to those positions at the next general municipal election shall
10 be elected to four-year terms of office.

11 (2) A change to a mayor-council plan of government shall not affect
12 in any manner or degree the property, rights, or liabilities of the
13 corporation but shall merely extend to such change in its ((form)) plan
14 of government.

15 **Sec. 12.** RCW 35A.02.010 and 1979 ex.s. c 18 s 2 are each amended
16 to read as follows:

17 Any incorporated city or town may ((become)) change its
18 classification and reorganize as a noncharter code city in accordance
19 with, and be governed by, the provisions of this title relating to
20 noncharter code cities ((and may select one of the plans of government
21 authorized by this title. A city or town adopting and organizing under
22 the optional municipal code shall not be deemed to have reorganized and
23 to have abandoned its existing general plan of government, upon
24 changing classification and becoming a noncharter code city, solely
25 because organizing under a plan of government authorized in this title
26 changes the number of elective offices or changes the terms thereof, or
27 because an office becomes appointive rather than elective, or because
28 that city or town has come under the optional municipal code, or
29 because of any combination of these factors)).

30 A city or town that reorganizes as a noncharter code city may
31 retain the plan of government under which it operated immediately prior
32 to reorganizing as a noncharter code city or change its plan of
33 government to a mayor-council plan under chapter 35A.12 RCW or a
34 council-manager plan under chapter 35A.13 RCW. A noncharter code city
35 that retains its prior plan of government shall conform with the
36 provisions of law relating to that plan of government, including, but
37 not limited to, the positions that are elective, the number of members

1 on the legislative authority, and the terms of office for elected
2 officials.

3 **Sec. 13.** RCW 35A.02.020 and 1990 c 259 s 2 are each amended to
4 read as follows:

5 When a petition is filed(~~(,)~~) with the clerk of a city or town that
6 has been signed by registered voters of ((an incorporated)) the city or
7 town(~~(,)~~) in number equal to not less than fifty percent of the ((votes
8 east)) number of voters voting in the city or town at the last general
9 municipal election, seeking ((the adoption by)) to change the
10 classification of the city or town ((of the classification of)) and
11 reorganize as a noncharter code city, either under its existing
12 authorized plan of government or naming ((one of the plans of
13 government authorized for noncharter code cities,)) the mayor-council
14 plan under chapter 35A.12 RCW or the council-manager plan under chapter
15 35A.13 RCW, the clerk shall promptly transfer the petition to the
16 county auditor and the county auditor shall promptly proceed to
17 determine the sufficiency of the petition under the rules set forth in
18 RCW 35A.01.040.

19 If the county auditor certifies the petition (~~(is found to be)) as~~
20 having sufficient valid signatures, the county auditor shall file with
21 the legislative body a certificate of sufficiency of the petition(~~(-~~
22 ~~Thereupon)) and the legislative body of ((such)) the city or town~~
23 ~~shall((, by resolution,)) declare by resolution that the~~
24 ~~((inhabitants)) voters of the city or town have decided to ((adopt the~~
25 ~~classification of)) reorganize as a noncharter code city and ((to be~~
26 ~~governed under the provisions of this title. If a prayer for~~
27 ~~reorganization is included in the petition such resolution shall also~~
28 ~~declare that the inhabitants of the city or town have decided to~~
29 ~~reorganize under)) state the plan of government specified in the~~
30 ~~petition. The legislative body shall cause ((such)) the resolution to~~
31 ~~be published at least once in a newspaper of general circulation within~~
32 ~~the city or town not later than ten days after the passage of the~~
33 ~~resolution.~~

34 Upon the expiration of the ninetieth day from, but excluding the
35 date of, first publication of the resolution, if no timely and
36 sufficient referendum petition has been filed pursuant to RCW
37 35A.02.025, (~~(as now or hereafter amended,)) as determined by RCW~~
38 35A.29.170, the legislative body at its next regular meeting shall

1 effect the decision of the (~~inhabitants~~) voters, as expressed in the
2 petition, by passage of an ordinance (~~adopting for~~) reorganizing the
3 city (~~the classification of~~) or town as a noncharter code city(~~7~~
4 and). If the petition also (~~sought governmental reorganization by~~
5 adoption of one of the plans of government authorized for noncharter
6 code cities involving a different general plan of government from that
7 under which the city is operating) proposed to change the plan of
8 government to a mayor-council plan under chapter 35A.12 RCW or a
9 council-manager plan under chapter 35A.13 RCW, then the (~~legislative~~
10 body shall provide at that time for such reorganization by ordinance
11 and for election of all new officers pursuant to RCW 35A.02.050, as now
12 or hereafter amended) plan of government shall be implemented as
13 provided in section 20 of this act.

14 **Sec. 14.** RCW 35A.02.025 and 1979 ex.s. c 18 s 4 are each amended
15 to read as follows:

16 (~~Upon the filing of~~) When a referendum petition is filed with the
17 clerk of the city or town proposing that the reorganization under RCW
18 35A.02.020 or 35A.02.030 be submitted to city or town voters for their
19 approval or rejection in the manner provided in RCW 35A.29.170, that
20 has been signed by (~~qualified electors~~) voters of the city or town in
21 number equal to not less than ten percent of the (~~votes cast in~~)
22 number of voters voting in the city or town at the last general
23 municipal election, (~~such~~) the clerk shall promptly transfer the
24 referendum petition to the county auditor.

25 The county auditor shall promptly proceed to determine the
26 sufficiency of the referendum petition under the rules set forth in RCW
27 35A.01.040 and certify the sufficiency to the legislative authority.
28 If the referendum petition is certified as having sufficient valid
29 signatures, the resolution (~~as~~) authorized by RCW 35A.02.020 or
30 35A.02.030 shall be referred to the voters for (~~confirmation~~) their
31 approval or rejection (~~in~~) at the next general municipal election if
32 one is to be held within one hundred (~~and~~) eighty days from the date
33 of filing of the referendum petition, or otherwise at a special
34 election to be called for that purpose in accordance with RCW 29.13.020
35 that occurs not less than ninety days nor more than one hundred eighty
36 days after the referendum petition was filed.

1 **Sec. 15.** RCW 35A.02.030 and 1979 ex.s. c 18 s 5 are each amended
2 to read as follows:

3 When a majority of the legislative body of an incorporated city or
4 town determines that it would serve the best interests and general
5 welfare ~~((of such municipality))~~ to change the classification of
6 ~~((such))~~ the city or town ~~((to that of))~~ and reorganize as a noncharter
7 code city, ~~((such))~~ the legislative body may, by resolution, declare
8 its intention to ~~((adopt for))~~ reorganize the city or town ~~((the~~
9 ~~classification of))~~ as a noncharter code city~~((.~~ ~~If the legislative~~
10 ~~body so determines, such resolution may also contain a declaration of~~
11 ~~intention to reorganize the municipal government under one of the plans~~
12 ~~of government authorized in this title, naming such plan; but it shall~~
13 ~~also be lawful for the legislative body of any incorporated city or~~
14 ~~town which is governed under a plan of government authorized prior to~~
15 ~~the time this title takes effect to adopt for the city or town the~~
16 ~~classification of noncharter code city while retaining the same general~~
17 ~~plan of government under which such city or town is then operating))~~
18 and retain its existing plan of government or change its plan of
19 government to either the mayor-council plan under chapter 35A.12 RCW or
20 the council-manager plan under chapter 35A.13 RCW.

21 Within ten days after the passage of the resolution, the
22 legislative body shall cause it to be published at least once in a
23 newspaper of general circulation within the city or town. Upon the
24 expiration of the ninetieth day from, but excluding the date of first
25 publication of the resolution, if no timely and sufficient referendum
26 petition has been filed pursuant to RCW ~~((35A.02.035))~~ 35A.02.025, as
27 determined by RCW 35A.29.170, the intent expressed in ~~((such))~~ the
28 resolution shall at the next regular meeting of the legislative body be
29 effected by an ordinance ~~((adopting for))~~ reorganizing the city or town
30 ~~((the classification of))~~ as a noncharter code city~~((; and,)).~~ If the
31 resolution ~~((includes a declaration of intention to reorganize, the~~
32 ~~legislative body shall provide at that time for such reorganization by~~
33 ~~ordinance))~~ also proposed to change the plan of government to a mayor-
34 council plan under chapter 35A.12 RCW or a council-manager plan under
35 chapter 35A.13 RCW, then the plan of government shall be implemented as
36 provided in section 20 of this act.

37 **Sec. 16.** RCW 35A.02.060 and 1990 c 259 s 3 are each amended to
38 read as follows:

1 When a petition which is sufficient under the rules set forth in
2 RCW 35A.01.040 is filed with the ~~((legislative body of an~~
3 ~~incorporated))~~ clerk of a city or town, signed by ~~((qualified electors~~
4 ~~of such municipality))~~ the voters of the city or town in number equal
5 to not less than ten percent of the ~~((votes cast))~~ number of voters
6 voting in the city or town at the last general municipal election,
7 seeking ~~((adoption by))~~ to change the classification of the city or
8 town ~~((of the classification of noncharter code city and the~~
9 ~~reorganization of the city or town under one of the plans of government~~
10 ~~authorized in this title,))~~ and reorganize as a noncharter code city,
11 the clerk shall promptly transfer the petition to the county auditor
12 and the county auditor shall promptly proceed to determine the
13 sufficiency of the petition.

14 The county auditor shall ~~((file with the))~~ certify the sufficiency
15 of the petition to the city or town legislative body ~~((thereof a~~
16 ~~certificate of sufficiency of such petition. Thereupon))~~. If the
17 petition is certified as having sufficient valid signatures, the
18 legislative body shall cause ~~((such))~~ the proposal to be submitted to
19 the voters at the next general municipal election if one is to be held
20 within one hundred eighty days after ~~((certification of the sufficiency~~
21 ~~of))~~ the petition was filed, or otherwise at a special election to be
22 held for that purpose not less than ninety days nor more than one
23 hundred ~~((and))~~ eighty days ~~((from such certification of sufficiency))~~
24 after the petition was filed. Ballot titles for elections under this
25 chapter shall be prepared by the city or town attorney as provided in
26 RCW 35A.29.120.

27 **Sec. 17.** RCW 35A.02.070 and 1967 ex.s. c 119 s 35A.02.070 are each
28 amended to read as follows:

29 The legislative body of an incorporated city or town may, by
30 resolution, submit to the voters in the next general municipal election
31 if one is to be held within one hundred ~~((and))~~ eighty days after
32 passage of the resolution, or in a special election to be called for
33 that purpose not less than ninety days nor more than one hundred
34 ~~((and))~~ eighty days after passage of the resolution, a proposal that
35 the city or town ~~((adopt the))~~ change its classification ~~((of))~~ and
36 reorganize as a noncharter code city and ~~((organize under one of the~~
37 ~~plans of government authorized in this title, naming such plan))~~ retain
38 its current plan of government or adopt either a mayor-council plan

1 under chapter 35A.12 RCW or a council-manager plan under chapter 35A.13
2 RCW.

3 **Sec. 18.** RCW 35A.02.090 and 1971 ex.s. c 251 s 3 are each amended
4 to read as follows:

5 (~~Proposals for each of the plans of government authorized by this~~
6 ~~title~~) A proposal to adopt a mayor-council plan of government under
7 chapter 35A.12 RCW or a council-manager plan of government under
8 chapter 35A.13 RCW, as an alternative to the plan of government
9 proposed in the resolution or petition initiating the reorganization of
10 the city or town as a noncharter code city, may be placed on the
11 ballot(~~s~~) in the same election by timely petition as provided in this
12 chapter. When the ballot contains alternative proposals for each of
13 the plans of government the ballot shall clearly state that voters may
14 vote for only one of the plans of government and that the change in a
15 plan of government is effective only if the proposal is approved to
16 reorganize the city or town as a noncharter code city.

17 NEW SECTION. **Sec. 19.** A new section is added to chapter 35A.02
18 RCW to read as follows:

19 The county auditor shall file with the secretary of state the
20 record of an election held under this chapter at which the voters of a
21 city or town approve the reorganization of the city or town as a
22 noncharter code city. The clerk of the city or town shall forward to
23 the secretary of state a certified copy of any ordinance adopted under
24 RCW 35A.02.020 or 35A.02.030.

25 The city or town shall be reorganized as a noncharter code city
26 effective on the earlier of sixty days after the date of the election
27 at which the ballot proposition was approved authorizing the
28 reorganization or the first day of January in the year following the
29 election, if the reorganization was authorized by a voter approval.
30 The city or town shall be reorganized as a noncharter code city
31 effective one hundred fifty days after the date the resolution
32 authorizing the reorganization was adopted under RCW 35A.03.030, or one
33 hundred fifty days after the petition was filed under RCW 35A.02.020,
34 if a sufficient referendum petition was not filed.

35 If a new plan of government is authorized, the officials of the
36 noncharter code city shall be as provided in section 20 of this act.

1 NEW SECTION. **Sec. 20.** A new section is added to chapter 35A.02
2 RCW to read as follows:

3 (1) The legislative authority of a newly reorganized noncharter
4 code city shall be composed as follows when the plan of government has
5 been changed to a mayor-council plan under chapter 35A.12 RCW or a
6 council-manager plan under chapter 35A.13 RCW:

7 (a) The members of the prior city or town legislative authority,
8 including any person who is elected as a member of the prior
9 legislative authority at the same election if the ballot proposition
10 was approved at a municipal general election, shall be members of the
11 resulting council and retain the same terms of office they would
12 possess as if the change in plan of government had not been approved.

13 (b) Where the number of members on the resulting council is greater
14 than the number of members on the prior legislative authority, the
15 additional members shall be appointed as if a vacancy existed for each
16 additional position. The terms of office for these additional council
17 positions shall be staggered at the next general municipal election
18 when persons are elected to these additional positions so that,
19 depending on the population of the city, either three or two, or four
20 or three, positions normally are filled at every other subsequent
21 general municipal election. The staggering shall be accomplished by
22 having the appropriate number of persons who are elected to the
23 additional positions receiving the greater numbers of votes being
24 elected to four-year terms of office and the other persons who are
25 elected to the additional positions being elected to two-year terms of
26 office. Their successors shall be elected to four-year terms of
27 office.

28 (c) If the total number of positions to be reduced from the prior
29 council is an even number, the same number of positions shall be
30 reduced at each of the next two municipal general elections to reach
31 the appropriate number of positions on the resulting council. If the
32 total number of positions to be reduced from the prior council is an
33 odd number, one more position shall be reduced at the first municipal
34 general election than at the second municipal general election
35 occurring after the ballot proposition was certified or ordinance was
36 adopted authorizing the reorganization of the city. However, if the
37 ballot proposition authorizing the change in plan of government was
38 approved at a special election held in September in a year in which
39 members of the prior legislative authority normally would be elected or

1 the resolution authorizing the change in plan of government occurred
2 after the normal filing period in the year in which members of the
3 prior legislative authority normally would be elected, the reduction
4 shall occur in the same manner except that elections for each position
5 that otherwise would be filled at the next general election shall be
6 held as if a reduction had not been approved, but by lot the prior
7 legislative authority shall determine which position or positions are
8 to be eliminated from among the persons who received the greatest
9 number of votes for each position at that election to reduce the
10 appropriate number of positions at that election. The persons who
11 received the greatest number of votes for each position that is
12 eliminated shall not be elected to office.

13 (2) The mayor in a noncharter code city that operates under the
14 mayor-council plan of government shall be selected as follows:

15 (a) The person who held the office of mayor in the city or town
16 prior to changing its plan of government shall remain in office for the
17 remainder of his or her term of office as the mayor of the code city if
18 the mayor served in an executive and administrative capacity and was
19 not a member of the legislative authority.

20 (b) In all other instances the office of mayor shall be filled as
21 if a vacancy existed in that office and the first person elected to
22 fill that position at a general municipal election shall be elected to
23 a four-year term of office.

24 (3) The city manager in a noncharter code city that operates under
25 the council-manager plan of government shall be selected as follows:

26 (a) The person who held that position in the city or town prior to
27 changing its plan of government shall retain that position if the city
28 or town operated under a council-manager plan of government prior to
29 its reorganization.

30 (b) In all other instances, a city manager shall be appointed by
31 the legislative authority.

32 (4) All appointments shall be made by the legislative authority
33 prior to the date the city or town reorganizes as a noncharter code
34 city and shall become effective on the date of the reorganization. The
35 term of office of each person who is serving as an elected nonjudicial
36 official of the city or town in an office that no longer is elective
37 under the new plan of government shall terminate at the date the city
38 or town reorganizes as a noncharter code city.

1 **Sec. 21.** RCW 35A.02.140 and 1967 ex.s. c 119 s 35A.02.140 are each
2 amended to read as follows:

3 While proceedings are pending under any petition or resolution
4 relating to (~~(reclassification of a municipality or reorganization of~~
5 ~~the government thereof pursuant to)~~) reorganizing as a noncharter code
6 city under this chapter, no resolution shall be passed or petition
7 accepted for the purpose of (~~(initiating other such proceedings or~~
8 ~~submitting other such proposals to the voters at an election~~
9 ~~thereunder; and no petition for reclassification or reorganization of~~
10 ~~such municipality shall be accepted for filing pending such~~
11 ~~proceedings)~~) reorganizing the city or town or changing the plan of
12 government under which the city or town operates, except that a timely
13 and sufficient petition may be filed and acted upon seeking to place on
14 the ballot (~~(for such)~~) at the same election a proposal (~~(for)~~) that
15 the city or town adopt an alternative plan of government (~~(authorized~~
16 ~~by this title)~~) as either a mayor-council plan of government under
17 chapter 35A.12 RCW or a council-manager plan of government under
18 chapter 35A.13 RCW, as provided in RCW 35A.02.090(~~(, may be filed and~~
19 ~~acted upon)~~).

20 **Sec. 22.** RCW 35A.06.010 and 1967 ex.s. c 119 s 35A.06.010 are each
21 amended to read as follows:

22 (~~(Each of the optional plans)~~) The mayor-council plan of government
23 authorized by chapter 35A.12 RCW and the council-manager plan of
24 government authorized by chapter 35A.13 RCW(~~(, with any amendments~~
25 ~~thereto, is)~~) are declared to be (~~(a)~~) complete and separate plans of
26 government authorized by the legislature for submission to the voters
27 of a municipality or for adoption by resolution of the legislative body
28 (thereof) in the manner provided (~~(herein)~~) in this chapter, and
29 (~~(is)~~) are additional to the plans of government existing prior to the
30 time this title takes effect.

31 **Sec. 23.** RCW 35A.06.020 and 1967 ex.s. c 119 s 35A.06.020 are each
32 amended to read as follows:

33 The classifications of (~~(municipalities)~~) cities and towns which
34 existed prior to the time this title goes into effect--first class
35 cities, second class cities, third class (~~(and fourth class)~~) cities,
36 towns, and unclassified cities--and the restrictions, limitations,
37 duties, and obligations specifically imposed by law upon such classes

1 of cities and towns, shall have no application to a noncharter code
2 ~~((cities))~~ city, but every noncharter code city, by ~~((adopting such~~
3 ~~classification))~~ reorganizing as a noncharter code city, has elected to
4 be governed by the provisions of this title, with the powers granted
5 ~~((hereby))~~ by this title.

6 The reorganization of a city or town into a noncharter code city
7 shall not affect the then existing property rights or liabilities of
8 the municipal corporation.

9 **Sec. 24.** RCW 35A.06.040 and 1990 c 259 s 4 are each amended to
10 read as follows:

11 ~~((Upon the passage of a resolution of the legislative body of a~~
12 ~~noncharter code city))~~ Any noncharter code city that has been a
13 noncharter code city for more than one year, and which has operated for
14 more than six consecutive years under the same general plan of
15 government, may change its plan of government to a mayor-council plan
16 under chapter 35A.12 RCW or a council-manager plan under chapter 35A.13
17 RCW, as provided in this chapter.

18 A ballot proposition authorizing such a change in the plan of
19 government shall be submitted to the voters of the city if the city
20 legislative body adopts a resolution proposing the change, or ~~((upon~~
21 the filing of)) if a sufficient petition proposing the change is filed
22 with the ~~((county auditor))~~ city clerk that is signed by registered
23 voters of the city in number equal to not less than ten percent of the
24 ~~((votes cast))~~ number of voters voting in the city at the last
25 ~~((general))~~ municipal general election ~~((therein, proposing abandonment~~
26 by the city of the plan of government under which it is then operating
27 and adoption of another plan, naming such plan, the sufficiency of the
28 petition for abandonment shall be determined, an election ordered and
29 conducted, and the results declared generally as provided in)).
30 Chapter 35A.02 RCW shall apply to the petition and election insofar as
31 ~~((such provisions are))~~ it is applicable. ~~((If the resolution or~~
32 petition proposes a plan of government other than those authorized in
33 chapters 35A.12 RCW and 35A.13 RCW of this title, the resolution or
34 petition shall specify the class under which such city will be
35 classified upon adoption of such plan.))

36 NEW SECTION. **Sec. 25.** A new section is added to chapter 35A.06
37 RCW to read as follows:

1 The officials of a noncharter code city that has changed its plan
2 of government under this chapter shall be composed in the same manner
3 as provided in section 20 of this act when a noncode city or town
4 reorganizes as a noncharter code city and adopts a new plan of
5 government.

6 **Sec. 26.** RCW 35A.06.070 and 1967 ex.s. c 119 s 35A.06.070 are each
7 amended to read as follows:

8 ~~((By means of the procedures set forth in this chapter, insofar as
9 they apply,))~~ Any noncharter code city which has been governed under
10 the provisions of this title for more than six years may abandon the
11 classification of noncharter code city and ~~((elect to be governed under
12 the general law relating to cities or towns of the classification held
13 by such city immediately prior to becoming a noncharter code city, if
14 any, or relating to cities or towns of the highest class for which it
15 is qualified by population, with the powers conferred by law upon such
16 class, while retaining the plan of government under which it is then
17 organized))~~ reorganize as a second class city, third class city, or
18 town, and select the mayor-council, council-manager, or commission plan
19 of government for the city or town. A ballot proposition authorizing
20 the reorganization shall be submitted to the voters of the city if a
21 resolution proposing the reorganization is adopted by the city
22 legislative authority or a sufficient petition proposing the
23 reorganization is filed with the city clerk that is signed by
24 registered voters of the city in number equal to not less than ten
25 percent of the number of voters voting in the city at the last
26 municipal general election. The provisions of chapter 35A.02 RCW shall
27 apply to the petition and election insofar as such provisions are
28 applicable. The ballot statement shall inquire as to whether the city
29 shall be reorganized, give the class of city or town that is being
30 proposed, and state the plan of government that is being proposed.

31 A ~~((change of classification))~~ reorganization, and the adoption of
32 a plan of government, is authorized if the ballot proposition is
33 approved by a simple majority vote of the voters voting on ~~((such))~~ the
34 proposition and shall become effective ~~((upon the filing of))~~ on the
35 earlier of sixty days after the date of the election or the first day
36 in January in the year following the election. The county auditor
37 shall file the record of ~~((such))~~ the election with the office of the
38 secretary of state.

1 NEW SECTION. **Sec. 27.** A new section is added to chapter 35A.06
2 RCW to read as follows:

3 The officials of a second class city, third class city, or town
4 that results from the reorganization of a noncharter code city shall be
5 composed in the same manner as provided in section 20 of this act when
6 a city or town reorganizes as a noncharter code city and adopts a new
7 plan of government, except that:

8 (1) Where one of the council positions has a two-year term of
9 office, the council shall determine by lot which position that is
10 filled at the next general municipal election shall be associated
11 permanently with a two-year term of office;

12 (2) Any elected nonjudicial positions other than the mayor shall be
13 filled as if vacancies existed in those positions and the persons
14 elected to those positions at the next general municipal election shall
15 be elected to four-year terms of office; and

16 (3) Where the voters have chosen a commission plan of government
17 for a second class city or third class city, the prior code city
18 council and other elected officers shall remain in office until three
19 commissioners are elected at the next general municipal election after
20 the ballot proposition was approved where the normal candidate filing
21 period can be used and the commissioners shall be elected to four-year
22 terms of office.

23 **Sec. 28.** RCW 35A.12.010 and 1985 c 106 s 1 are each amended to
24 read as follows:

25 The government of any noncharter code city or charter code city
26 electing to adopt the mayor-council plan of government authorized by
27 this chapter shall be vested in an elected mayor and an elected
28 council. The council of a noncharter code city having less than
29 twenty-five hundred inhabitants shall consist of five members(~~(; when~~
30 ~~there are)) and the council of a noncharter code city having twenty-
31 five hundred or more inhabitants((, the council)) shall consist of
32 seven members: PROVIDED, That if the population of a city after having
33 become a code city decreases from twenty-five hundred or more to less
34 than twenty-five hundred, it shall continue to have a seven member
35 council. If, after a city has become a mayor-council code city, its
36 population increases to twenty-five hundred or more inhabitants, the
37 number of councilmanic offices in such city may increase from five to
38 seven members upon the affirmative vote of a majority of the existing~~

1 council to increase the number of councilmanic offices in the city.
2 When the population of a mayor-council code city having five
3 councilmanic offices increases to five thousand or more inhabitants,
4 the number of councilmanic offices in the city shall increase from five
5 to seven members. In the event of an increase in the number of
6 councilmanic offices, the city council shall, by majority vote,
7 pursuant to RCW 35A.12.050, appoint two persons to serve in these
8 offices until the next municipal general election, at which election
9 one person shall be elected for a two-year term of office and one
10 person shall be elected for a four-year term of office. Their
11 successors shall be elected for four-year terms of office. The number
12 of inhabitants shall be determined by the most recent official state or
13 federal census or determination by the state office of financial
14 management. A charter adopted under the provisions of this title,
15 incorporating the mayor-council plan of government set forth in this
16 chapter, may provide for an uneven number of ~~((councilmen))~~
17 councilmembers not exceeding eleven.

18 A noncharter code city of less than five thousand inhabitants which
19 has elected the mayor-council plan of government and which has seven
20 councilmanic offices may establish a five-member council in accordance
21 with the following procedure. At least six months prior to a municipal
22 general election, the city council shall adopt an ordinance providing
23 for reduction in the number of councilmanic offices to five. The
24 ordinance shall specify which two councilmanic offices, the terms of
25 which expire at the next general election, are to be terminated. The
26 ordinance shall provide for the renumbering of council positions and
27 shall also provide for a two-year extension of the term of office of a
28 retained councilmanic office, if necessary, in order to comply with RCW
29 35A.12.040.

30 However, a noncharter code city that has retained its old mayor-
31 council plan of government, as provided in chapter 35A.02 RCW, is
32 subject to the laws applicable to that old plan of government.

33 **Sec. 29.** RCW 35A.12.040 and 1979 ex.s. c 18 s 21 are each amended
34 to read as follows:

35 Officers shall be elected at biennial municipal elections to be
36 conducted as provided in chapter 35A.29 RCW. The mayor and the
37 ~~((councilmen))~~ councilmembers shall be elected for four-year terms of
38 office and until their successors are elected and qualified(~~(i) except~~

1 that at any first election three councilmen in cities having seven
2 councilmen, and two councilmen in cities having five councilmen, shall
3 be elected for two year terms and the remaining councilmen shall be
4 elected for four year terms. At any first election upon
5 reorganization, council members shall be elected as provided in RCW
6 35A.02.050. Thereafter the requisite number of councilmen shall be
7 elected biennially as the terms of their predecessors expire and shall
8 serve for terms of four years)) and assume office in accordance with
9 RCW 29.04.170. The positions to be filled on the city council shall be
10 designated by consecutive numbers and shall be dealt with as separate
11 offices for all election purposes((, as provided in RCW 35A.29.105. In
12 any city which holds its first election under this title in the
13 calendar year 1970, candidates elected for two year terms shall hold
14 office until their successors are elected and qualified at the general
15 municipal election to be held in November, 1973 and candidates elected
16 for four year terms shall hold office until their successors are
17 elected and qualified at the general municipal election to be held in
18 November, 1975)). Election to positions on the council shall be by
19 majority vote from the city at large, unless provision is made by
20 charter or ordinance for election by wards. ((The city council shall
21 be the judge of the qualifications of its members and determine
22 contested elections of city officers, subject to review by certiorari
23 as provided by law.)) The mayor and ((councilmen)) councilmembers
24 shall qualify by taking an oath or affirmation of office and as may be
25 provided by law, charter, or ordinance.

26 **Sec. 30.** RCW 35A.13.010 and 1987 c 3 s 16 are each amended to read
27 as follows:

28 The ((councilmen)) councilmembers shall be the only elective
29 officers of a code city electing to adopt the council-manager plan of
30 government authorized by this chapter, except where statutes provide
31 for an elective municipal judge. The council shall appoint an officer
32 whose title shall be "city manager" who shall be the chief executive
33 officer and head of the administrative branch of the city government.
34 The city manager shall be responsible to the council for the proper
35 administration of all affairs of the code city. The council of a
36 noncharter code city having less than twenty-five hundred inhabitants
37 shall consist of five members((; when there are)) and the council of a
38 noncharter code city having twenty-five hundred or more inhabitants

1 ((~~the council~~)) shall consist of seven members: PROVIDED, That if the
2 population of a city after having become a code city decreases from
3 twenty-five hundred or more to less than twenty-five hundred, it shall
4 continue to have a seven member council. If, after a city has become
5 a council-manager code city its population increases to twenty-five
6 hundred or more inhabitants, the number of councilmanic offices in such
7 city may increase from five to seven members upon the affirmative vote
8 of a majority of the existing council to increase the number of
9 councilmanic offices in the city. When the population of a council-
10 manager code city having five councilmanic offices increases to five
11 thousand or more inhabitants, the number of councilmanic offices in the
12 city shall increase from five to seven members. In the event of an
13 increase in the number of councilmanic offices, the city council shall,
14 by majority vote, pursuant to RCW 35A.13.020, appoint two persons to
15 serve in these offices until the next municipal general election, at
16 which election one person shall be elected for a two-year term of
17 office and one person shall be elected for a four-year term of
18 office. Their successors shall be elected for four-year terms of office. The
19 number of inhabitants shall be determined by the most recent official
20 state or federal census or determination by the state office of
21 financial management. A charter adopted under the provisions of this
22 title, incorporating the council-manager plan of government set forth
23 in this chapter may provide for an uneven number of ((~~councilmen~~))
24 councilmembers not exceeding eleven.

25 A noncharter code city of less than five thousand inhabitants which
26 has elected the council-manager plan of government and which has seven
27 councilmanic offices may establish a five-member council in accordance
28 with the following procedure. At least six months prior to a municipal
29 general election, the city council shall adopt an ordinance providing
30 for reduction in the number of councilmanic offices to five. The
31 ordinance shall specify which two councilmanic offices, the terms of
32 which expire at the next general election, are to be terminated. The
33 ordinance shall provide for the renumbering of council positions and
34 shall also provide for a two-year extension of the term of office of a
35 retained councilmanic office, if necessary, in order to comply with RCW
36 35A.12.040.

37 However, a noncharter code city that has retained its old council-
38 manager plan of government, as provided in chapter 35A.02 RCW, is
39 subject to the laws applicable to that old plan of government.

1 **Sec. 31.** RCW 35A.13.020 and 1975 1st ex.s. c 155 s 1 are each
2 amended to read as follows:

3 In council-manager code cities, eligibility for election to the
4 council, the manner of electing (~~(councilmen)~~) councilmembers, the
5 numbering of council positions, the terms of (~~(councilmen)~~) office for
6 councilmembers, the occurrence and the filling of vacancies, the
7 grounds for forfeiture of office, and appointment of a mayor pro
8 tempore or deputy mayor or (~~(councilman)~~) councilmember pro tempore
9 shall be governed by the corresponding provisions of RCW 35A.12.030,
10 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the
11 council of a code city organized under the mayor-council plan(~~(+~~
12 ~~PROVIDED, That)~~), except that in council-manager cities where all
13 council positions are at-large positions, the city council may,
14 pursuant to RCW 35A.13.033, provide that the person elected to council
15 position one (~~(on or after September 8, 1975,)~~) shall be the council
16 (~~(chairman)~~) chairperson and shall carry out the duties prescribed by
17 RCW 35A.13.030(~~(, as now or hereafter amended)~~).

18 **Sec. 32.** RCW 35A.13.030 and 1975 1st ex.s. c 155 s 2 are each
19 amended to read as follows:

20 Biennially at the first meeting of the new council the (~~(members~~
21 ~~thereof)~~) councilmembers shall choose a (~~(chairman)~~) chairperson from
22 among their number unless the (~~(chairman)~~) chairperson is elected
23 pursuant to RCW 35A.13.033. The (~~(chairman)~~) chairperson of the
24 council shall have the title of mayor and shall preside at meetings of
25 the council. In addition to the powers conferred upon him or her as
26 mayor, (~~(he)~~) the mayor shall continue to have all the rights,
27 privileges, and immunities of a member of the council. The mayor shall
28 be recognized as the head of the city for ceremonial purposes and by
29 the governor for purposes of military law. (~~(He)~~) The mayor shall have
30 no regular administrative duties, but in time of public danger or
31 emergency, if so authorized by ordinance, shall take command of the
32 police, maintain law, and enforce order.

33 **Sec. 33.** RCW 35A.29.170 and 1967 ex.s. c 119 s 35A.29.170 are each
34 amended to read as follows:

35 Initiative and referendum petitions authorized to be filed under
36 provisions of this title, or authorized by charter, or authorized for
37 code cities having the commission (~~(form)~~) plan of government as

1 provided by chapter 35.17 RCW, shall be in substantial compliance with
2 the provisions of RCW 35A.01.040 as to form and content of the
3 petition, insofar as such provisions are applicable; shall contain a
4 true copy of a resolution or ordinance sought to be referred to the
5 voters; and must contain valid signatures of qualified ((electors))
6 voters of the code city in the number required by the applicable
7 provisions of ((~~this title~~)) law. Except when otherwise provided by
8 statute, referendum petitions must be filed with the clerk of ((~~the~~
9 ~~legislative body of~~)) the code city within ninety days after the
10 passage of the resolution or ordinance sought to be referred to the
11 voters, or within such lesser number of days as may be authorized by
12 statute or charter in order to precede the effective date of an
13 ordinance or resolution: PROVIDED, That nothing herein shall be
14 construed to abrogate or affect an exemption from initiative and/or
15 referendum provided by a code city charter.

16 The clerk shall promptly forward the initiative or referendum
17 petition to the county auditor who shall promptly determine the
18 sufficiency of the petition under the rules set forth in RCW
19 35A.01.040. When a referendum petition is filed with the clerk, the
20 legislative action sought to be referred to the voters shall be
21 suspended from taking effect. Such suspension shall terminate when:
22 (1) There is a final determination of insufficiency or untimeliness of
23 the referendum petition; or (2) the legislative action so referred is
24 approved by the voters at a referendum election.

25 NEW SECTION. Sec. 34. The following acts or parts of acts are
26 each repealed:

- 27 (1) RCW 35.17.390 and 1965 c 7 s 35.17.390;
- 28 (2) RCW 35.17.430 and 1965 ex.s. c 47 s 3 & 1965 c 7 s 35.17.430;
- 29 (3) RCW 35.17.440 and 1965 c 7 s 35.17.440;
- 30 (4) RCW 35.17.450 and 1965 c 7 s 35.17.450;
- 31 (5) RCW 35.17.460 and 1965 c 7 s 35.17.460;
- 32 (6) RCW 35.18.250 and 1965 c 7 s 35.18.250;
- 33 (7) RCW 35.18.260 and 1965 c 7 s 35.18.260;
- 34 (8) RCW 35.18.270 and 1979 ex.s. c 126 s 20 & 1965 c 7 s 35.18.270;
- 35 (9) RCW 35.18.280 and 1965 c 7 s 35.18.280;
- 36 (10) RCW 35.18.285 and 1965 c 7 s 35.18.285;
- 37 (11) RCW 35.18.300 and 1965 c 7 s 35.18.300;
- 38 (12) RCW 35.18.310 and 1965 c 7 s 35.18.310;

1 (13) RCW 35A.02.001 and 1989 c 84 s 35;
2 (14) RCW 35A.02.035 and 1967 ex.s. c 119 s 35A.02.035;
3 (15) RCW 35A.02.040 and 1979 ex.s. c 18 s 6, 1970 ex.s. c 52 s 1,
4 & 1967 ex.s. c 119 s 35A.02.040;
5 (16) RCW 35A.02.050 and 1979 ex.s. c 18 s 7, 1971 ex.s. c 251 s 1,
6 1970 ex.s. c 52 s 2, & 1967 ex.s. c 119 s 35A.02.050;
7 (17) RCW 35A.02.055 and 1979 ex.s. c 18 s 8;
8 (18) RCW 35A.02.080 and 1971 ex.s. c 251 s 2 & 1967 ex.s. c 119 s
9 35A.02.080;
10 (19) RCW 35A.02.100 and 1967 ex.s. c 119 s 35A.02.100;
11 (20) RCW 35A.02.110 and 1979 ex.s. c 18 s 9 & 1967 ex.s. c 119 s
12 35A.02.110;
13 (21) RCW 35A.02.120 and 1967 ex.s. c 119 s 35A.02.120;
14 (22) RCW 35A.02.130 and 1967 ex.s. c 119 s 35A.02.130;
15 (23) RCW 35A.06.030 and 1979 ex.s. c 18 s 14, 1971 ex.s. c 251 s
16 13, & 1967 ex.s. c 119 s 35A.06.030;
17 (24) RCW 35A.06.050 and 1979 ex.s. c 18 s 15 & 1967 ex.s. c 119 s
18 35A.06.050; and
19 (25) RCW 35A.06.060 and 1979 ex.s. c 18 s 16 & 1967 ex.s. c 119 s
20 35A.06.060.

--- END ---