
HOUSE BILL 2916

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Wineberry and Van Luven

Read first time 2/11/94. Referred to Committee on State Government.

1 AN ACT Relating to providing local voters with the authority to
2 select a variety of differing methods to elect local officials;
3 amending RCW 35.18.020, 35.18.270, 35.24.290, 35.61.050, 35A.12.180,
4 35A.13.220, and 36.32.050; adding a new section to chapter 29.04 RCW;
5 adding new sections to chapter 35.18 RCW; adding new sections to
6 chapter 35.24 RCW; adding new sections to chapter 35.27 RCW; adding a
7 new section to chapter 35.61 RCW; adding a new section to chapter
8 35A.12 RCW; creating a new section; repealing RCW 35.23.530 and
9 35.61.060; and providing an effective date.

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

11 NEW SECTION. **Sec. 1.** The purpose of this act is to provide local
12 voters with a variety of options for the election of officials on
13 governing bodies with council districts, commissioner districts, or
14 director districts, or with a proportion representation system of
15 voting.

16 This act shall be known as the "citizens' voting rights act of
17 1994."

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 29.04 RCW
2 to read as follows:

3 The following shall apply to the election of local government
4 officials under a proportional representation system of voting:

5 (1) Candidates for the positions to be filled shall not run for a
6 specific position but shall run for any of the two or more positions
7 that are to be filled.

8 (2) The filing period shall be reopened, or a special filing period
9 provided, under chapter 29.15 RCW if the number of persons filing for
10 these positions at the normal filing time is less than the number of
11 positions to be filled.

12 (3) A primary shall be held to nominate candidates if the number of
13 candidates who file for the positions is greater than twice the number
14 of positions to be filled.

15 (4) For purposes of voting at a primary to nominate candidates for
16 these positions and at a general election to elect persons to these
17 positions, each voter shall be allowed to cast a number of votes equal
18 to the number of positions to be filled and may distribute these votes
19 among any one or more of the candidates or for one or more names that
20 are written in for these positions.

21 (5) The number of candidates nominated at a primary shall be twice
22 the number of positions that are to be filled and the candidates who
23 are nominated shall be those persons receiving the greatest numbers of
24 votes.

25 (6) The persons who are elected at the general election shall be
26 those persons equal in number to the number of positions to be filled
27 receiving the greatest numbers of votes.

28 **Sec. 3.** RCW 35.18.020 and 1981 c 260 s 7 are each amended to read
29 as follows:

30 (1) The number of ~~((councilmen))~~ councilmembers shall be in
31 proportion to the population of the city or town ~~((indicated in its
32 petition for incorporation and thereafter shall be in proportion to its
33 population))~~ as last determined by the office of financial management
34 as follows:

35 (a) A city or town having not more than two thousand inhabitants,
36 five ~~((councilmen))~~ councilmembers;

37 (b) A city having more than two thousand, seven ~~((councilmen))~~
38 councilmembers.

1 (2) All ~~((councilmen))~~ councilmembers shall be elected at large
2 ~~((or from such wards or districts as may be established by ordinance))~~
3 unless the councilmembers are elected by council districts, and shall
4 serve for a term of four years and until their successors are elected
5 and qualified and assume office in accordance with RCW 29.04.170:
6 PROVIDED, HOWEVER, That at the first general municipal election held in
7 the city in accordance with RCW 29.13.020, after the election approving
8 the council-manager plan, the following shall apply:

9 (a) One ~~((councilman))~~ councilmember shall be nominated and elected
10 from each ~~((ward or such other existing))~~ council district of ~~((said))~~
11 the city as may have been established for the election of members of
12 the legislative body of the city and the remaining ~~((councilmen))~~
13 councilmembers shall be elected at large; but if there are no such
14 ~~((wards or))~~ council districts in the city, or at an initial election
15 for the incorporation of ~~((a community))~~ the city, the ~~((councilmen))~~
16 councilmembers shall be elected at large.

17 (b) In cities electing five ~~((councilmen))~~ councilmembers, the
18 candidates having the three highest number of votes shall be elected
19 for ~~((a))~~ four-year terms of office if the election is held in an odd-
20 numbered year, or for three-year terms of office if the election is
21 held in an even-numbered year, and the other two for ~~((a))~~ two-year
22 terms of office if the election is held in an odd-numbered year, or for
23 one-year terms of office if the election is held in an even-numbered
24 year, commencing immediately when qualified in accordance with RCW
25 29.01.135 and continuing until their successors are elected and
26 qualified and have assumed office in accordance with RCW 29.04.170.

27 (c) In cities electing seven ~~((councilmen))~~ councilmembers, the
28 candidates having the four highest number of votes shall be elected for
29 ~~((a))~~ four-year terms of office if the election is held in an odd-
30 numbered year, or for three-year terms of office if the election is
31 held in an even-numbered year, and the other three for ~~((a))~~ two-year
32 terms of office if the election is held in an odd-numbered year, or for
33 one-year terms of office if the election is held in an even-numbered
34 year, commencing immediately when qualified in accordance with RCW
35 29.01.135 and continuing until their successors are elected and
36 qualified and have assumed office in accordance with RCW 29.04.170.

37 (d) In determining the candidates receiving the highest number of
38 votes, only the candidate receiving the highest number of votes in each
39 ~~((ward))~~ council district, as well as the ~~((councilman-at-large or~~

1 ~~councilmen-at-large~~) councilmembers who are elected at large, are to
2 be considered.

3 (3) When a (~~municipality~~) city has qualified for an increase in
4 the number of (~~councilmen~~) councilmembers from five to seven by
5 virtue of the next succeeding population determination made by the
6 office of financial management (~~after the majority of the voters~~
7 ~~thereof have approved operation under the council manager plan~~), at
8 the first general municipal election (~~when~~) two additional
9 (~~councilmen are to~~) councilmembers shall be elected, one of the two
10 additional (~~councilmen~~) councilmembers receiving the highest number
11 of votes shall be elected for a four-year term of office and the other
12 additional (~~councilman~~) councilmember shall be elected for a two-year
13 term of office. The terms of the two additional (~~councilmen~~)
14 councilmembers shall commence immediately when qualified in accordance
15 with RCW 29.01.135.

16 (4) In the event such population determination as provided in
17 subsection (3) of this section requires an increase in the number of
18 (~~councilmen~~) councilmembers, the city or town council shall fill the
19 additional (~~councilmanie~~) council positions by appointment not later
20 than thirty days following the release of said population
21 determination, and the appointee shall hold office only until the next
22 regular (~~city or town~~) general municipal election at which ((a)) two
23 persons shall be elected (~~to serve for the remainder of the unexpired~~
24 ~~term~~). In the event (~~such~~) the population determination results in
25 a decrease in the number of (~~councilmen, said~~) councilmembers, the
26 decrease shall not take effect until the next regular (~~city or town~~)
27 general municipal election: PROVIDED, That the council shall by
28 ordinance indicate which, if any, of the remaining positions shall be
29 elected at-large or from (~~wards or~~) council districts.

30 (5) If a vacancy in the council occurs, the remaining members shall
31 appoint a person to fill such office only until the next regular
32 general municipal election at which a person shall be elected to serve
33 for the remainder of the unexpired term.

34 NEW SECTION. Sec. 4. A new section is added to chapter 35.18 RCW
35 to read as follows:

36 (1) A ballot proposition authorizing a city or town operating under
37 this chapter to use council districts to elect councilmembers shall be
38 submitted to the city or town voters if the council adopts a resolution

1 proposing the change or if a petition proposing the change is filed
2 with the city or town clerk signed by city or town voters equal in
3 number to at least ten percent of the number of voters residing in the
4 city or town. The clerk shall promptly forward the petition to the
5 county auditor who shall certify its sufficiency. The petition or
6 resolution shall specify the number of council districts and the
7 number, if any, of council positions that shall be elected on an at-
8 large basis. A ballot proposition authorizing the use of council
9 districts as described in the petition or resolution shall be submitted
10 to city or town voters at the next special election date specified
11 under RCW 29.13.020 occurring sixty or more days after the date the
12 resolution is adopted or the petition with sufficient valid signatures
13 was submitted.

14 (2) If the ballot proposition is approved by a simple majority vote
15 of the voters voting on the proposition, the councilmembers shall be
16 elected using council districts commencing at the next primary and
17 general election when such officials are normally elected that occurs
18 at least in the year following the year in which the ballot proposition
19 is approved. The councilmembers shall divide the city or town into
20 council districts by at least the first day in May of the year in which
21 the first election occurs using council districts, if the ballot
22 proposition provides for the use of council districts to elect
23 councilmembers.

24 (3) The city or town may have from two to either five or seven
25 council districts, depending on the number of councilmembers in the
26 city or town. One councilmember shall be elected from each council
27 district. Councilmembers who are not elected from council districts
28 shall be elected on an at-large basis.

29 (4) At any time not within six months previous to a municipal
30 general election the council may change the boundaries of existing
31 council districts.

32 (5) The establishment of council districts and any change in the
33 boundaries of existing council districts shall not affect the terms of
34 office of any councilmembers, and councilmembers shall serve out the
35 remainder of their terms of office in the council districts of their
36 residences at the time of their elections: PROVIDED, That if the
37 creation or change in council districts results in one council district
38 being represented by more than one councilmember, those having the
39 shortest unexpired terms shall be assigned by the council to council

1 districts where there is a vacancy and the councilmembers so assigned
2 shall be deemed to be residents of the council districts to which they
3 are assigned for purposes of those positions being vacant.

4 (6) Council districts shall be redrawn as provided in chapter 29.70
5 RCW. Council districts shall be used as follows: (a) Only a resident
6 of the council district may be a candidate for, or hold office as, a
7 councilmember of the council district; (b) only voters residing in the
8 council district may vote at a primary to nominate candidates for a
9 councilmember of the council district; and (c) only voters residing in
10 the council district may vote at a general election to elect a
11 councilmember of the council district.

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 35.18 RCW
13 to read as follows:

14 A ballot proposition authorizing a city or town operating under
15 this chapter to elect councilmembers using a proportional
16 representation system of voting shall be submitted to the city or town
17 voters if the council adopts a resolution proposing the change or if a
18 petition proposing the change is filed with the city or town clerk
19 signed by city or town voters equal in number to at least ten percent
20 of the number of voters residing in the city or town. The clerk shall
21 promptly forward the petition to the county auditor who shall certify
22 its sufficiency. A ballot proposition authorizing the election of
23 councilmembers using a proportional representation system of voting
24 shall be submitted to city or town voters at the next special election
25 date specified under RCW 29.13.020 occurring sixty or more days after
26 the date the resolution is adopted or the petition with sufficient
27 valid signatures was submitted.

28 If the ballot proposition is approved by a simple majority vote of
29 the voters voting on the proposition, the councilmembers shall be
30 elected using a proportional representation system of voting commencing
31 at the next primary and general election when such officials are
32 normally elected that occurs at least in the year following the year in
33 which the ballot proposition is approved.

34 The election of councilmembers using a proportional representation
35 system of voting shall be as provided in section 2 of this act.

36 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.18 RCW
37 to read as follows:

1 A ballot proposition authorizing a metropolitan park district to
2 elect park commissioners using a proportional representation system of
3 voting shall be submitted to the park district voters if the park
4 commissioners adopt a resolution proposing the change or if a petition
5 proposing the change is filed with the park commissioners signed by
6 park district voters equal in number to at least ten percent of the
7 number of voters residing the park district. The park commissioners
8 shall promptly forward the petition to the county auditor who shall
9 certify its sufficiency. A ballot proposition authorizing the election
10 of park commissioners using a proportional representation system of
11 voting shall be submitted to park district voters at the next special
12 election date specified under RCW 29.13.020 occurring sixty or more
13 days after the date the resolution is adopted or the petition with
14 sufficient valid signatures was submitted.

15 If the ballot proposition is approved by a simple majority vote of
16 the voters voting on the proposition, the park commissioners shall be
17 elected using a proportional representation system of voting commencing
18 at the next primary and general election when such officials are
19 normally elected that occurs at least in the year following the year in
20 which the ballot proposition is approved.

21 The election of park commissioners using a proportional
22 representation system of voting shall be as provided in section 2 of
23 this act.

24 **Sec. 7.** RCW 35.18.270 and 1979 ex.s. c 126 s 20 are each amended
25 to read as follows:

26 If the majority of the votes cast at a special election for
27 organization on the council-manager plan favor the plan, the city or
28 town (~~at its next regular election~~) shall elect the council required
29 under the council-manager plan in number according to the population
30 (~~of the municipality: PROVIDED, That if the date of the next~~
31 ~~municipal general election is more than one year from the date of the~~
32 ~~election approving the council manager plan, a special election shall~~
33 ~~be held to elect the councilmen; the newly elected councilmen)) at the
34 next state general election occurring one hundred eighty days or more
35 after the election at which voters approved the reorganization. A
36 primary shall be held to nominate candidates if sufficient persons file
37 for a council position at the September special election date
38 immediately preceding this state general election. The initial~~

1 councilmembers who are elected under the council-manager plan shall
2 assume office immediately when they are qualified in accordance with
3 RCW 29.01.135 following the canvass of votes as certified, with terms
4 of office as specified under RCW 35.18.020, and shall remain in office
5 until their successors are elected ((at the next general municipal
6 election:—PROVIDED, That such successor shall hold office for
7 staggered terms as provided in RCW 35.18.020 as now or hereafter
8 amended. Councilmen shall take office at the time provided by general
9 law. Declarations of candidacy for city or town elective positions
10 under the council-manager plan for cities and towns shall be filed with
11 the county auditor as the case may be not more than forty five nor less
12 than thirty days prior to said special election to elect the members of
13 the city council. Any candidate may file a written declaration of
14 withdrawal at any time within five days after the last day for filing
15 a declaration of candidacy. All names of candidates to be voted upon
16 shall be printed upon the ballot alphabetically in group under the
17 designation of the title of the offices for which they are candidates.
18 There shall be no rotation of names)) and qualified and assume office
19 in accordance with RCW 29.04.170.

20 NEW SECTION. Sec. 8. A new section is added to chapter 35.24 RCW
21 to read as follows:

22 (1) A ballot proposition authorizing a third class city to use
23 council districts to elect councilmembers shall be submitted to the
24 city voters if the council adopts a resolution proposing the change or
25 if a petition proposing the change is filed with the city clerk signed
26 by city voters equal in number to at least ten percent of the number of
27 voters residing in the city. The clerk shall promptly forward the
28 petition to the county auditor who shall certify its sufficiency. The
29 petition or resolution shall specify the number of council districts
30 and the number of council positions that shall be elected on an at-
31 large basis, which shall at least include the council position with a
32 two-year term of office. A ballot proposition authorizing the use of
33 council districts as described in the petition or resolution shall be
34 submitted to city voters at the next special election date specified
35 under RCW 29.13.020 occurring sixty or more days after the date the
36 resolution is adopted or the petition with sufficient valid signatures
37 was submitted.

1 (2) If the ballot proposition is approved by a simple majority vote
2 of the voters voting on the proposition, the councilmembers shall be
3 elected using council districts commencing at the next primary and
4 general election when such officials are normally elected that occurs
5 at least in the year following the year in which the ballot proposition
6 is approved. The councilmembers shall divide the city into council
7 districts by at least the first day in May of the year in which the
8 first election occurs using council districts, if the ballot
9 proposition provides for the use of council districts to elect
10 councilmembers.

11 (3) The city may have from two to six council districts. One
12 councilmember shall be elected from each council district. Council
13 members who are not elected from council districts shall be elected on
14 an at-large basis.

15 (4) At any time not within six months previous to a municipal
16 general election the council may change the boundaries of existing
17 council districts.

18 (5) The establishing of council districts and any change in the
19 boundaries of existing council districts shall not affect the terms of
20 office of any councilmembers, and councilmembers shall serve out the
21 remainder of their terms of office in the council districts of their
22 residences at the time of their elections: PROVIDED, That if the
23 creation or change in council districts results in one council district
24 being represented by more than one councilmember, those having the
25 shortest unexpired terms shall be assigned by the council to council
26 districts where there is a vacancy and the councilmembers so assigned
27 shall be deemed to be residents of the council districts to which they
28 are assigned for purposes of those positions being vacant.

29 (6) Council districts shall be redrawn as provided in chapter 29.70
30 RCW. Council districts shall be used as follows: (a) Only a resident
31 of the council district may be a candidate for, or hold office as, a
32 councilmember of the council district; (b) only voters residing in the
33 council district may vote at a primary to nominate candidates for a
34 councilmember of the council district; and (c) only voters residing in
35 the council district may vote at a general election to elect a
36 councilmember of the council district.

37 NEW SECTION. **Sec. 9.** A new section is added to chapter 35.24 RCW
38 to read as follows:

1 A ballot proposition authorizing a third class city to elect
2 councilmembers using a proportional representation system of voting
3 shall be submitted to the city voters if the council adopts a
4 resolution proposing the change or if a petition proposing the change
5 is filed with the city clerk signed by city voters equal in number to
6 at least ten percent of the number of voters residing in the city. The
7 clerk shall promptly forward the petition to the county auditor who
8 shall certify its sufficiency. A ballot proposition authorizing the
9 election of councilmembers using a proportional representation system
10 of voting shall be submitted to city voters at the next special
11 election date specified under RCW 29.13.020 occurring sixty or more
12 days after the date the resolution is adopted or the petition with
13 sufficient valid signatures was submitted.

14 If the ballot proposition is approved by a simple majority vote of
15 the voters voting on the proposition, the councilmembers shall be
16 elected using a proportional representation system of voting commencing
17 at the next primary and general election when such officials are
18 normally elected that occurs at least in the year following the year in
19 which the ballot proposition is approved.

20 The election of councilmembers using a proportional representation
21 system of voting shall be as provided in section 2 of this act. The
22 councilmember who is elected at each general municipal election
23 receiving the least number of votes shall be elected to the two-year
24 term of office.

25 **Sec. 10.** RCW 35.24.290 and 1993 c 83 s 6 are each amended to read
26 as follows:

27 The city council of each third class city shall have power:

28 (1) To pass ordinances not in conflict with the Constitution and
29 laws of this state or of the United States;

30 (2) To prevent and regulate the running at large of any or all
31 domestic animals within the city limits or any part thereof and to
32 cause the impounding and sale of any such animals;

33 (3) To establish, build and repair bridges, to establish, lay out,
34 alter, keep open, open, widen, vacate, improve and repair streets,
35 sidewalks, alleys, squares and other public highways and places within
36 the city, and to drain, sprinkle and light the same; to remove all
37 obstructions therefrom; to establish and reestablish the grades
38 thereof; to grade, plank, pave, macadamize, gravel and curb the same,

1 in whole or in part; to construct gutters, culverts, sidewalks and
2 crosswalks therein or upon any part thereof; to cultivate and maintain
3 parking strips therein, and generally to manage and control all such
4 highways and places; to provide by local assessment for the leveling up
5 and surfacing and oiling or otherwise treating for the laying of dust,
6 all streets within the city limits;

7 (4) To establish, construct and maintain drains and sewers, and
8 shall have power to compel all property owners on streets and alleys or
9 within two hundred feet thereof along which sewers shall have been
10 constructed to make proper connections therewith and to use the same
11 for proper purposes, and in case the owners of the property on such
12 streets and alleys or within two hundred feet thereof fail to make such
13 connections within the time fixed by such council, it may cause such
14 connections to be made and assess against the property served thereby
15 the costs and expenses thereof;

16 (5) To provide fire engines and all other necessary or proper
17 apparatus for the prevention and extinguishment of fires;

18 (6) To impose and collect an annual license on every dog within the
19 limits of the city, to prohibit dogs running at large and to provide
20 for the killing of all dogs not duly licensed found at large;

21 (7) To license, for the purposes of regulation and revenue, all and
22 every kind of business authorized by law, and transacted and carried on
23 in such city, and all shows, exhibitions and lawful games carried on
24 therein and within one mile of the corporate limits thereof, to fix the
25 rate of license tax upon the same, and to provide for the collection of
26 the same by suit or otherwise;

27 (8) To improve rivers and streams flowing through such city, or
28 adjoining the same; to widen, straighten and deepen the channel
29 thereof, and remove obstructions therefrom; to improve the water-front
30 of the city, and to construct and maintain embankments and other works
31 to protect such city from overflow; to prevent the filling of the water
32 of any bay, except such filling over tide or shorelands as may be
33 provided for by order of the city council; to purify and prevent the
34 pollution of streams of water, lakes or other sources of supply, and
35 for this purpose shall have jurisdiction over all streams, lakes or
36 other sources of supply, both within and without the city limits. Such
37 city shall have power to provide by ordinance and to enforce such
38 punishment or penalty as the city council may deem proper for the

1 offense of polluting or in any manner obstructing or interfering with
2 the water supply of such city or source thereof;

3 (9) To erect and maintain buildings for municipal purposes;

4 (10) To permit, under such restrictions as it may deem proper, and
5 to grant franchises for, the laying of railroad tracks, and the running
6 of cars propelled by electric, steam or other power thereon, and the
7 laying of gas and water pipes and steam mains and conduits for
8 underground wires, and to permit the construction of tunnels or subways
9 in the public streets, and to construct and maintain and to permit the
10 construction and maintenance of telegraph, telephone and electric lines
11 therein;

12 ~~(11) ((In its discretion to divide the city by ordinance, into a
13 convenient number of wards, not exceeding six, to fix the boundaries
14 thereof, and to change the same from time to time: PROVIDED, That no
15 change in the boundaries of any ward shall be made within sixty days
16 next before the date of a general municipal election, nor within twenty
17 months after the wards have been established or altered. Whenever such
18 city is so divided into wards, the city council shall designate by
19 ordinance the number of councilmen to be elected from each ward,
20 apportioning the same in proportion to the population of the wards.
21 Thereafter the councilmen so designated shall be elected by the
22 qualified electors resident in such ward, or by general vote of the
23 whole city as may be designated in such ordinance. When additional
24 territory is added to the city it may by act of the council, be annexed
25 to contiguous wards without affecting the right to redistrict at the
26 expiration of twenty months after last previous division. The removal
27 of a councilman from the ward for which he was elected shall create a
28 vacancy in such office;~~

29 ~~(12))~~ To impose fines, penalties and forfeitures for any and all
30 violations of ordinances, and for any breach or violation of any
31 ordinance to fix the penalty by fine or imprisonment, or both, but no
32 such fine shall exceed five thousand dollars nor the term of such
33 imprisonment exceed the term of one year, except that the punishment
34 for any criminal ordinance shall be the same as the punishment provided
35 in state law for the same crime; or to provide that violations of
36 ordinances constitute a civil violation subject to monetary penalty,
37 but no act that is a state crime may be made a civil violation;

38 ~~((13))~~ (12) To establish fire limits, with proper regulations;

39 ~~((14))~~ (13) To establish and maintain a free public library;

1 (~~(15)~~) (14) To establish and regulate public markets and market
2 places;

3 (~~(16)~~) (15) To punish the keepers and inmates and lessors of
4 houses of ill fame, gamblers and keepers of gambling tables, patrons
5 thereof or those found loitering about such houses and places;

6 (~~(17)~~) (16) To make all such ordinances, bylaws, rules,
7 regulations and resolutions, not inconsistent with the Constitution and
8 laws of the state of Washington, as may be deemed expedient to maintain
9 the peace, good government and welfare of the corporation and its
10 trade, commerce and manufactures, and to do and perform any and all
11 other acts and things necessary or proper to carry out the provisions
12 of this chapter, and to enact and enforce within the limits of such
13 city all other local, police, sanitary and other regulations as do not
14 conflict with general laws;

15 (~~(18)~~) (17) To license steamers, boats and vessels used in any
16 bay or other watercourse in the city and to fix and collect such
17 license; to provide for the regulation of berths, landings, and
18 stations, and for the removing of steamboats, sail boats, sail vessels,
19 rafts, barges and other watercraft; to provide for the removal of
20 obstructions to navigation and of structures dangerous to navigation or
21 to other property, in or adjoining the waterfront, except in
22 municipalities in counties in which there is a city of the first class.

23 NEW SECTION. **Sec. 11.** A new section is added to chapter 35.27 RCW
24 to read as follows:

25 (1) A ballot proposition authorizing a town to use council
26 districts to elect councilmembers shall be submitted to the town voters
27 if the council adopts a resolution proposing the change or if a
28 petition proposing the change is filed with the town clerk signed by
29 town voters equal in number to at least ten percent of the number of
30 voters residing in the town. The clerk shall promptly forward the
31 petition to the county auditor who shall certify its sufficiency. The
32 petition or resolution shall specify the number of council districts
33 and the number of council positions that shall be elected on an at-
34 large basis. A ballot proposition authorizing the use of council
35 districts as described in the petition or resolution shall be submitted
36 to town voters at the next special election date specified under RCW
37 29.13.020 occurring sixty or more days after the date the resolution is
38 adopted or the petition with sufficient valid signatures was submitted.

1 (2) If the ballot proposition is approved by a simple majority vote
2 of the voters voting on the proposition, the councilmembers shall be
3 elected using council districts commencing at the next primary and
4 general election when such officials are normally elected that occurs
5 at least in the year following the year in which the ballot proposition
6 is approved. The councilmembers shall divide the town into council
7 districts by at least the first day in May of the year in which the
8 first election occurs using council districts, if the ballot
9 proposition provides for the use of council districts to elect
10 councilmembers.

11 (3) The town may have from two to five council districts. One
12 councilmember shall be elected from each council district.
13 Councilmembers who are not elected from council districts shall be
14 elected on an at-large basis.

15 (4) At any time not within six months previous to a municipal
16 general election the council of a town may change the boundaries of
17 existing council districts.

18 (5) The establishing of council districts and any change in the
19 boundaries of existing council districts shall not affect the terms of
20 office of any councilmembers, and councilmembers shall serve out the
21 remainder of their terms of office in the council districts of their
22 residences at the time of their elections: PROVIDED, That if the
23 creation or change in council districts results in one council district
24 being represented by more than one councilmember, those having the
25 shortest unexpired terms shall be assigned by the council to council
26 districts where there is a vacancy and the councilmembers so assigned
27 shall be deemed to be residents of the council districts to which they
28 are assigned for purposes of those positions being vacant.

29 (6) Council districts shall be redrawn as provided in chapter 29.70
30 RCW. Council districts shall be used as follows: (a) Only a resident
31 of the council district may be a candidate for, or hold office as, a
32 councilmember of the council district; (b) only voters residing in the
33 council district may vote at a primary to nominate candidates for a
34 councilmember of the council district; and (c) only voters residing in
35 the council district may vote at a general election to elect a
36 councilmember of the council district.

37 NEW SECTION. **Sec. 12.** A new section is added to chapter 35.27 RCW
38 to read as follows:

1 A ballot proposition authorizing a town to elect councilmembers
2 using a proportional representation system of voting shall be submitted
3 to the town voters if the council adopts a resolution proposing the
4 change or if a petition proposing the change is filed with the town
5 clerk signed by town voters equal in number to at least ten percent of
6 the number of voters residing in the town. The clerk shall promptly
7 forward the petition to the county auditor who shall certify its
8 sufficiency. A ballot proposition authorizing the election of
9 councilmembers using a proportional representation system of voting
10 shall be submitted to town voters at the next special election date
11 specified under RCW 29.13.020 occurring sixty or more days after the
12 date the resolution is adopted or the petition with sufficient valid
13 signatures was submitted.

14 If the ballot proposition is approved by a simple majority vote of
15 the voters voting on the proposition, the councilmembers shall be
16 elected using a proportional representation system of voting commencing
17 at the next primary and general election when such officials are
18 normally elected that occurs at least in the year following the year in
19 which the ballot proposition is approved.

20 The election of councilmembers using a proportional representation
21 system of voting shall be as provided in section 2 of this act.

22 **Sec. 13.** RCW 35.61.050 and 1979 ex.s. c 126 s 24 are each amended
23 to read as follows:

24 (1) At the same election at which the proposition is submitted to
25 the voters as to whether a metropolitan park district is to be formed,
26 five initial park commissioners shall be elected ((to hold office
27 respectively for the following terms: Where the election is held in an
28 odd-numbered year, one commissioner shall be elected to hold office for
29 two years, two shall be elected to hold office for four years, and two
30 shall be elected to hold office for six years. Where the election is
31 held in an even-numbered year, one commissioner shall hold office for
32 three years, two shall hold office for five years, and two shall hold
33 office for seven years)). The election of park commissioners shall be
34 null and void if the metropolitan park district is not created.
35 Candidates shall run for specific commission positions. No primary
36 shall be held to nominate candidates. The person receiving the
37 greatest number of voters for each position shall be elected as a
38 commissioner.

1 (2) The initial commissioners shall take office immediately when
2 they are elected and qualified(~~(, and for purposes of computing their~~
3 ~~terms of office the terms shall be assumed to commence on the first day~~
4 ~~of January of the year they are elected. The term of each nominee for~~
5 ~~park commissioner shall be expressed on the ballot)) and their terms of
6 office staggered as follows: (a) The two persons who are elected
7 receiving the two greatest numbers of votes shall be elected to six-
8 year terms of office, if the election is held in an odd-numbered year,
9 or five-year terms of office, if the election is held in an even-
10 numbered year; (b) the two persons who are elected receiving the next
11 two greatest numbers of votes shall be elected to four-year terms of
12 office, if the election is held in an odd-numbered year, or three-year
13 terms of office, if the election is held in an even-numbered year; and
14 (c) the other person who is elected shall be elected to a two-year term
15 of office, if the election is held in an odd-numbered year, or a one-
16 year term of office if the election is held in an even-numbered year.
17 The terms of office of the initial commissioners shall be calculated
18 from the first day in January in the year following their elections.~~

19 Thereafter, all commissioners shall serve six-year terms of office
20 and until their respective successors are elected and qualified and
21 assume office in accordance with RCW 29.04.170.

22 (3) Vacancies shall be filled by majority action of the remaining
23 commissioners appointing a voter to fill the remainder of the term of
24 the vacant commissioner position.

25 NEW SECTION. Sec. 14. A new section is added to chapter 35.61 RCW
26 to read as follows:

27 (1) A ballot proposition authorizing park commissioners in a
28 metropolitan park district to be elected by commissioner districts
29 shall be submitted to the park district voters if the park
30 commissioners adopt a resolution proposing the change or if a petition
31 proposing the change is filed with the park commissioners signed by
32 park district voters equal in number to at least ten percent of the
33 number of voters residing in the park district. The park commissioners
34 shall promptly forward the petition to the county auditor who shall
35 certify its sufficiency. The petition or resolution shall specify the
36 number of commissioner districts and the number, if any, of
37 commissioner positions that shall be elected on an at-large basis. A
38 ballot proposition authorizing the use of commissioner districts as

1 described in the petition or resolution shall be submitted to park
2 district voters at the next special election date specified under RCW
3 29.13.020 occurring sixty or more days after the date the resolution is
4 adopted or the petition with sufficient valid signatures was submitted.

5 (2) If the ballot proposition is approved by a simple majority vote
6 of the voters voting on the proposition, the park commissioners shall
7 be elected using commissioner districts commencing at the next primary
8 and general election when such officials are normally elected that
9 occurs at least in the year following the year in which the ballot
10 proposition is approved. The park commissioners shall divide the park
11 district into the appropriate number of commissioner districts by at
12 least the first day in May of the year in which the first election
13 occurs using commissioner districts.

14 (3) A metropolitan park district may have from two to five
15 commissioner districts. One park commissioner shall be elected from
16 each commissioner district. Park commissioners who are not elected
17 from commissioner districts shall be elected on an at-large basis.

18 (4) At any time not within six months previous to a district
19 general election, the park commissioners may change the boundaries of
20 existing commissioner districts.

21 (5) The establishment of commissioner districts and any change in
22 the boundaries of existing commissioner districts shall not affect the
23 terms of office of any park commissioner, and park commissioners shall
24 serve out the remainder of their terms of office in the commission
25 districts of their residences at the time of their elections:
26 PROVIDED, That if the creation or change in commissioner districts
27 results in one commissioner district being represented by more than one
28 park commissioner, those having the shortest unexpired terms shall be
29 assigned by the park commission to commissioner districts where there
30 is a vacancy and the park commissioners so assigned shall be deemed to
31 be residents of the commissioner districts to which they are assigned
32 for purposes of those positions being vacant.

33 (6) Commissioner districts shall be redrawn as provided in chapter
34 29.70 RCW. Commissioner districts shall be used as follows: (a) Only
35 a resident of the commissioner district may be a candidate for, or hold
36 office as, a park commissioner of the commissioner district; (b) only
37 voters residing in the commissioner district may vote at a primary to
38 nominate candidates for a park commissioner of the commissioner
39 district; and (c) only voters residing in the commissioner district may

1 vote at a general election to elect a park commissioner of the
2 commissioner district.

3 **Sec. 15.** RCW 35A.12.180 and 1967 ex.s. c 119 s 35A.12.180 are each
4 amended to read as follows:

5 (1) A ballot proposition authorizing a noncharter code city
6 organized under this chapter to use council districts to elect
7 councilmembers shall be submitted to the city voters if the council
8 adopts a resolution proposing the change or if a petition proposing the
9 change is filed with the city clerk signed by city voters equal in
10 number to at least ten percent of the number of voters residing in the
11 city. The clerk shall promptly forward the petition to the county
12 auditor who shall certify its sufficiency. The petition or resolution
13 shall specify the number of council districts and the number, if any,
14 of council positions that shall be elected on an at-large basis. A
15 ballot proposition authorizing the use of council districts as
16 described in the petition or resolution shall be submitted to city
17 voters at the next special election date specified under RCW 29.13.020
18 occurring sixty or more days after the date the resolution is adopted
19 or the petition with sufficient valid signatures was submitted.

20 (2) If the ballot proposition is approved by a simple majority vote
21 of the voters voting on the proposition, the councilmembers shall be
22 elected using council districts commencing at the next primary and
23 general election when such officials are normally elected that occurs
24 at least in the year following the year in which the ballot proposition
25 is approved. The councilmembers shall divide the city into districts
26 by at least the first day in May of the year in which the first
27 election occurs using districts, if the ballot proposition provides for
28 the use of districts to elect councilmembers.

29 (3) A code city may have from two to either five or seven council
30 districts, depending on the number of councilmembers in the city. One
31 councilmember shall be elected from each council district.
32 Councilmembers who are not elected from council districts shall be
33 elected on an at-large basis.

34 (4) At any time not within ((three)) six months previous to a
35 municipal general election the council of a noncharter code city
36 organized under this chapter may ((divide the city into wards or))
37 change the boundaries of existing ((wards. No)) council districts.

1 (5) The establishing of council districts and any change in the
2 boundaries of ((wards)) existing council districts shall not affect the
3 terms of office of any ((councilman, but he)) councilmembers, and
4 councilmembers shall serve out ((his)) the remainder of their terms of
5 office in the ((ward)) council districts of ((his)) their residences at
6 the time of ((his)) their elections: PROVIDED, That if ((this)) the
7 creation or change in council districts results in one ((ward)) council
8 district being represented by more ((councilmen than the number to
9 which it is entitled)) than one councilmember those having the shortest
10 unexpired terms shall be assigned by the council to ((wards)) council
11 districts where there is a vacancy((. The representation of each ward
12 in the city council shall be in proportion to the population as nearly
13 as is practicable. When the city has been divided into wards no person
14 shall be eligible to the office of councilman unless he resides in the
15 ward for which he is elected on the date of his election, and removal
16 of his residence from the ward for which he was elected renders his
17 office vacant)) and the councilmembers so assigned shall be deemed to
18 be residents of the council districts to which they are assigned for
19 purposes of those positions being vacant.

20 (6) Council districts shall be redrawn as provided in chapter 29.70
21 RCW. Council districts shall be used as follows: (a) Only a resident
22 of the council district may be a candidate for, or hold office as, a
23 councilmember of the council district; (b) only voters residing in the
24 council district may vote at a primary to nominate candidates for a
25 councilmember of the council district; and (c) only voters residing in
26 the council district may vote at a general election to elect a
27 councilmember of the council district.

28 NEW SECTION. Sec. 16. A new section is added to chapter 35A.12
29 RCW to read as follows:

30 A ballot proposition authorizing a noncharter code city organized
31 under this chapter to elect councilmembers using a proportional
32 representation system of voting shall be submitted to the city voters
33 if the council adopts a resolution proposing the change or if a
34 petition proposing the change is filed with the city clerk signed by
35 city voters equal in number to at least ten percent of the number of
36 voters residing in the city. The clerk shall promptly forward the
37 petition to the county auditor who shall certify its sufficiency. A
38 ballot proposition authorizing the election of councilmembers using a

1 proportional representation system of voting shall be submitted to city
2 voters at the next special election date specified under RCW 29.13.020
3 occurring sixty or more days after the date the resolution is adopted
4 or the petition with sufficient valid signatures was submitted.

5 If the ballot proposition is approved by a simple majority vote of
6 the voters voting on the proposition, the councilmembers shall be
7 elected using a proportional representation system of voting commencing
8 at the next primary and general election when such officials are
9 normally elected that occurs at least in the year following the year in
10 which the ballot proposition is approved.

11 The election of councilmembers using a proportional representation
12 system of voting shall be as provided in section 2 of this act.

13 **Sec. 17.** RCW 35A.13.220 and 1967 ex.s. c 119 s 35A.13.220 are each
14 amended to read as follows:

15 A code city organized under this chapter (~~may~~) shall be divided
16 into (~~wards~~) council districts as provided in RCW 35A.12.180 or elect
17 councilmembers using a proportional representation system of voting as
18 provided in section 16 of this act.

19 **Sec. 18.** RCW 36.32.050 and 1963 c 4 s 36.32.050 are each amended
20 to read as follows:

21 (1) Except as provided under subsection (2) of this section, county
22 commissioners shall be elected by the (~~qualified~~) registered voters
23 of the entire county and the person receiving the highest number of
24 votes for the office of commissioner for the district in which he or
25 she resides shall be declared duly elected from that district.

26 (2) A ballot proposition authorizing the election of each county
27 commissioner by the voters of a separate county commissioner district,
28 instead of the voters of the entire county, shall be submitted to the
29 county voters if the board of county commissioners adopts a resolution
30 proposing the change or if a petition proposing the change is filed
31 with the county auditor signed by county voters equal in number to at
32 least ten percent of the number of voters residing in the county. The
33 auditor shall certify the sufficiency of the signatures on the
34 petition. A ballot proposition authorizing the election of each county
35 commissioner by the voters of a separate commissioner district shall be
36 submitted to county voters at the next special election date specified
37 under RCW 29.13.010 occurring sixty or more days after the date the

1 resolution is adopted or the petition with sufficient valid signatures
2 was submitted.

3 If the ballot proposition is approved by a simple majority vote of
4 the voters voting on the proposition, each county commissioner shall be
5 elected by the voters of his or her county commissioner district
6 commencing at the next general election.

7 NEW SECTION. Sec. 19. The following acts or parts of acts are
8 each repealed:

9 (1) RCW 35.23.530 and 1965 c 7 s 35.23.530; and

10 (2) RCW 35.61.060 and 1985 c 416 s 2 & 1965 c 7 s 35.61.060.

11 NEW SECTION. Sec. 20. This act shall take effect January 1, 1995.

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