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HOUSE BILL 2617

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State of Washington                      64th Legislature                      2016 Regular Session

By Representatives Manweller, Muri, Holy, Haler, and Magendanz

Read first time 01/18/16. Referred to Committee on State Government.

1            AN ACT Relating to authorizing political subdivisions to  
2 implement district-based elections; and amending RCW 35.18.020,  
3 35.23.850, 35A.12.180, 36.32.050, and 36.32.0556.

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

5            **Sec. 1.** RCW 35.18.020 and 2015 c 53 s 32 are each amended to  
6 read as follows:

7            (1) The number of councilmembers in a city or town operating with  
8 a council-manager plan of government shall be based upon the latest  
9 population of the city or town that is determined by the office of  
10 financial management as follows:

11            (a) A city or town having not more than two thousand inhabitants,  
12 five councilmembers; and

13            (b) A city or town having more than two thousand, seven  
14 councilmembers.

15            (2) Except for the initial staggering of terms, councilmembers  
16 shall serve for four-year terms of office. All councilmembers shall  
17 serve until their successors are elected and qualified and assume  
18 office in accordance with RCW 29A.60.280. Councilmembers may be  
19 elected on a citywide or townwide basis, or from wards or districts,  
20 or any combination of these alternatives. Candidates shall run for  
21 specific positions. Wards or districts shall be redrawn as provided

1 in chapter 29A.76 RCW. Wards or districts shall be used as follows:  
2 (a) Only a resident of the ward or district may be a candidate for,  
3 or hold office as, a councilmember of the ward or district; and (b)  
4 only voters of the ward or district may vote at a primary to nominate  
5 candidates for a councilmember of the ward or district. Voters of the  
6 entire city or town may vote at the general election to elect a  
7 councilmember of a ward or district, unless the city or town (~~had~~  
8 ~~prior to January 1, 1994, limited~~) council has adopted an ordinance  
9 or the voters of the city or town have approved an initiative  
10 limiting the voting in the general election for any or all council  
11 positions to only voters residing within the ward or district  
12 associated with the council positions. (~~If a city or town had so~~  
13 ~~limited the voting in the general election to only voters residing~~  
14 ~~within the ward or district, then the city or town shall be~~  
15 ~~authorized to continue to do so.))~~

16 (3) When a city or town has qualified for an increase in the  
17 number of councilmembers from five to seven by virtue of the next  
18 succeeding population determination made by the office of financial  
19 management, two additional council positions shall be filled at the  
20 next municipal general election (~~with~~). If the voting at the  
21 election includes voters of the entire city, the person elected to  
22 one of the new council positions receiving the greatest number of  
23 votes (~~being elected for~~) shall serve a four-year term of office,  
24 and the person elected to the other additional council position  
25 (~~being elected for~~) shall serve a two-year term of office. The two  
26 additional councilmembers shall assume office immediately when  
27 qualified in accordance with RCW 29A.04.133, but the term of office  
28 shall be computed from the first day of January after the year in  
29 which they are elected. Their successors shall be elected to four-  
30 year terms of office. The city or town may redistrict and create  
31 seven wards by ordinance or, if authorized, voter initiative, and  
32 conduct the appointment and election of the new councilmembers within  
33 the wards.

34 Prior to the election of the two new councilmembers, the city or  
35 town council shall fill the additional positions by appointment not  
36 later than forty-five days following the release of the population  
37 determination, and each appointee shall hold office only until the  
38 new position is filled by election.

39 (4) When a city or town has qualified for a decrease in the  
40 number of councilmembers from seven to five by virtue of the next

1 succeeding population determination made by the office of financial  
2 management, two council positions shall be eliminated at the next  
3 municipal general election if four council positions normally would  
4 be filled at that election, or one council position shall be  
5 eliminated at each of the next two succeeding municipal general  
6 elections if three council positions normally would be filled at the  
7 first municipal general election after the population determination.  
8 The council shall by ordinance indicate which, if any, of the  
9 remaining positions shall be elected at-large or from wards or  
10 districts. The city or town may redistrict and create five wards by  
11 ordinance or, if authorized, voter initiative, and conduct the  
12 appointment and election of the new councilmembers within the wards.

13 (5) Vacancies on a council shall occur and shall be filled as  
14 provided in chapter 42.12 RCW.

15 **Sec. 2.** RCW 35.23.850 and 2015 c 53 s 41 are each amended to  
16 read as follows:

17 In any city initially classified as a second-class city prior to  
18 January 1, 1993, that retained its second-class city plan of  
19 government when the city reorganized as a noncharter code city, the  
20 city council may divide the city into wards, not exceeding six in  
21 all, or change the boundaries of existing wards at any time less than  
22 one hundred twenty days before a municipal general election. No  
23 change in the boundaries of wards shall affect the term of any  
24 councilmember, and councilmembers shall serve out their terms in the  
25 wards of their residences at the time of their elections. However, if  
26 these boundary changes result in one ward being represented by more  
27 councilmembers than the number to which it is entitled, those having  
28 the shortest unexpired terms shall be assigned by the council to  
29 wards where there is a vacancy, and the councilmembers so assigned  
30 shall be deemed to be residents of the wards to which they are  
31 assigned for purposes of determining whether those positions are  
32 vacant and shall serve until a ward resident is elected.

33 The representation of each ward in the city council shall be in  
34 proportion to the population as nearly as is practicable.

35 Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards  
36 shall be used as follows: (1) Only a resident of the ward may be a  
37 candidate for, or hold office as, a councilmember of the ward; and  
38 (2) only voters of the ward may vote at a primary to nominate  
39 candidates for a councilmember of the ward. Voters of the entire city

1 may vote at the general election to elect a councilmember of a ward,  
2 unless the city (~~had prior to January 1, 1994, limited~~) council has  
3 adopted an ordinance or, if authorized, the voters of the city have  
4 approved an initiative limiting the voting in the general election  
5 for any or all council positions to only voters residing within the  
6 ward associated with the council positions. (~~If a city had so~~  
7 ~~limited the voting in the general election to only voters residing~~  
8 ~~within the ward, then the city shall be authorized to continue to do~~  
9 ~~so.~~) The elections for (~~the~~) any remaining council position or  
10 council positions that are not associated with a ward shall be  
11 conducted as if the wards did not exist.

12 **Sec. 3.** RCW 35A.12.180 and 2015 c 53 s 53 are each amended to  
13 read as follows:

14 At any time not within three months previous to a municipal  
15 general election the council of a noncharter code city organized  
16 under this chapter may divide the city into wards or change the  
17 boundaries of existing wards. No change in the boundaries of wards  
18 shall affect the term of any councilmember, and councilmembers shall  
19 serve out their terms in the wards of their residences at the time of  
20 their elections: PROVIDED, That if this results in one ward being  
21 represented by more councilmembers than the number to which it is  
22 entitled those having the shortest unexpired terms shall be assigned  
23 by the council to wards where there is a vacancy, and the  
24 councilmembers so assigned shall be deemed to be residents of the  
25 wards to which they are assigned for purposes of those positions  
26 being vacant and shall serve until a ward resident is elected. The  
27 representation of each ward in the city council shall be in  
28 proportion to the population as nearly as is practicable.

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

1 ~~limited the voting in the general election to only voters residing~~  
2 ~~within the ward, then the city shall be authorized to continue to do~~  
3 ~~so.))~~

4 **Sec. 4.** RCW 36.32.050 and 2009 c 549 s 4063 are each amended to  
5 read as follows:

6 County commissioners shall be elected by the qualified voters of  
7 the county and the person receiving the highest number of votes for  
8 the office of commissioner for the district in which he or she  
9 resides shall be declared duly elected from that district, unless the  
10 commission has adopted an ordinance or, if authorized, the voters of  
11 the county have approved an initiative limiting voting in the general  
12 election to the voters of each district.

13 **Sec. 5.** RCW 36.32.0556 and 1990 c 252 s 5 are each amended to  
14 read as follows:

15 The commissioners in a five-member board of county commissioners  
16 shall be elected to four-year staggered terms. Each commissioner  
17 shall reside in a separate commissioner district. Each commissioner  
18 shall be nominated from a separate commissioner district by the  
19 voters of that district. Each shall be elected by the voters of the  
20 entire county, unless the commission has adopted an ordinance or, if  
21 authorized, the voters of the county have approved an initiative  
22 limiting voting in the general election to the voters of each  
23 district. Three members of a five-member board of commissioners shall  
24 constitute a quorum to do business.

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