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**SUBSTITUTE SENATE BILL 5723**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senate State Government & Elections (originally sponsored by Senators Valdez, Kuderer, Dhingra, Frame, Hasegawa, Keiser, Lias, Lovelett, Nguyen, Nobles, Pedersen, Randall, Shewmake, and Stanford)

READ FIRST TIME 02/17/23.

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

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

7 **PART I**

8 **STATEMENT OF LEGISLATIVE INTENT**

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

18 **PART II**



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

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

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

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

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

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

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

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

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

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

11 (g) An ordinance or charter amendment must be adopted by January  
12 15th of an odd-numbered year for the city to begin transition under  
13 (b) of this subsection in that calendar year. If the city or town  
14 adopts its ordinance or charter amendment after January 15th of an  
15 odd-numbered year, the transition under (b) of this subsection cannot  
16 begin before the next odd-numbered year.

17 (h) The ordinance or charter amendment may not move the election  
18 of judges of the municipal court to even-numbered years.

19 **Sec. 3.** RCW 35.17.020 and 2013 c 11 s 87 are each amended to  
20 read as follows:

21 (1) All regular elections in cities organized under the statutory  
22 commission form of government shall be held quadrennially in the odd-  
23 numbered years on the dates provided in RCW 29A.04.330, except for  
24 cities that are moving or have moved their regular elections to even-  
25 numbered years under the process allowed by RCW 29A.04.330.  
26 ~~((However, after commissioners are elected at the next general~~  
27 ~~election occurring in 1995 or 1997, regular elections in cities~~  
28 ~~organized under a statutory commission form of government shall be~~  
29 ~~held biennially at municipal general elections.))~~

30 (2) The commissioners shall be nominated and elected at large.  
31 Their terms shall be for four years, unless the city is transitioning  
32 its regular elections to even-numbered years as allowed by RCW  
33 29A.04.330, and until their successors are elected and qualified and  
34 assume office in accordance with RCW 29A.60.280. However, at the next  
35 regular election of a city organized under a statutory commission  
36 form of government, the terms of office of commissioners shall occur  
37 with the person who is elected as a commissioner receiving the least  
38 number of votes being elected to a two-year term of office and the  
39 other two persons who are elected being elected to four-year terms of

1 office. Thereafter, commissioners shall be elected to four-year terms  
2 of office.

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

5 **Sec. 4.** RCW 35.18.270 and 1994 c 223 s 13 are each amended to  
6 read as follows:

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

33 **Sec. 5.** RCW 35.23.051 and 2019 c 454 s 5 are each amended to  
34 read as follows:

35 General municipal elections in second-class cities shall be held  
36 biennially in the odd-numbered years and shall be subject to general  
37 election law, unless a second-class city has chosen to hold its

1 general municipal elections in even-numbered years under the process  
2 provided for in RCW 29A.04.330.

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

14 Council positions shall be numbered in each second-class city so  
15 that council position seven has a two-year term of office and council  
16 positions one through six shall each have four-year terms of office.  
17 Each councilmember shall remain in office until a successor is  
18 elected and qualified and assumes office in accordance with RCW  
19 29A.60.280.

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

35 Whenever such city is so divided into wards, the city council  
36 shall designate by ordinance the number of councilmembers to be  
37 elected from each ward, apportioning the same in proportion to the  
38 population of the wards. Thereafter the councilmembers so designated  
39 shall be elected by the voters resident in such ward, or by general  
40 vote of the whole city as may be designated in such ordinance.

1 Council position seven shall not be associated with a ward and the  
2 person elected to that position may reside anywhere in the city and  
3 voters throughout the city may vote at a primary to nominate  
4 candidates for position seven, when a primary is necessary, and at a  
5 general election to elect the person to council position seven.  
6 Additional territory that is added to the city shall, by act of the  
7 council, be annexed to contiguous wards without affecting the right  
8 to redistrict at the expiration of twenty months after last previous  
9 division. The removal of a councilmember from the ward for which he  
10 or she was elected shall create a vacancy in such office.

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

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

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

1 until their successors are elected and qualified and assume office in  
2 accordance with RCW ((29A.20.040)) 29A.60.280; three at one election  
3 and two at the next succeeding biennial election.

4 **Sec. 7.** RCW 35.30.080 and 2015 c 53 s 42 are each amended to  
5 read as follows:

6 (1) When a majority of the legislative body of an unclassified  
7 city determines that it would serve the best interests and general  
8 welfare of such municipality to change the election procedures of  
9 such city to the procedures specified in this section, such  
10 legislative body may, by resolution, declare its intention to adopt  
11 such procedures for the city. Such resolution must be adopted at  
12 least one hundred eighty days before the general municipal election  
13 at which the new election procedures are implemented. Within ten days  
14 after the passage of the resolution, the legislative body shall cause  
15 it to be published at least once in a newspaper of general  
16 circulation within the city.

17 (2) All general municipal elections in an unclassified city  
18 adopting a resolution under subsection (1) of this section shall be  
19 held biennially ((in the odd-numbered years)) as provided in RCW  
20 29A.04.330 and shall be held in accordance with the general election  
21 laws of the state. An unclassified city may choose to hold its  
22 general municipal elections in even-numbered years by following the  
23 process in RCW 29A.04.330 but remains obligated to comply with the  
24 requirements of this section.

25 The term of the treasurer shall not commence in the same biennium  
26 in which the term of the mayor commences. Candidates for the city  
27 council shall run for specific council positions. The staggering of  
28 terms of city officers shall be established at the first election,  
29 where the simple majority of the persons elected as councilmembers  
30 receiving the greatest numbers of votes shall be elected to four-year  
31 terms of office and the remainder of the persons elected as  
32 councilmembers and the treasurer shall be elected to two-year terms  
33 of office. Thereafter, all elected city officers shall be elected for  
34 four-year terms and until their successors are elected and qualified  
35 and assume office in accordance with RCW 29A.60.280.

36 **Sec. 8.** RCW 35A.02.050 and 2015 c 53 s 48 are each amended to  
37 read as follows:



1 The first election of officers where required for reorganization  
2 under a different general plan of government newly adopted in a  
3 manner provided in RCW 35A.02.020, 35A.02.030, 35A.06.030, or  
4 35A.06.060, as now or hereafter amended, shall be at the next general  
5 municipal election if one is to be held more than ninety days but not  
6 more than one hundred (~~and~~) eighty days after certification of a  
7 reorganization ordinance or resolution, or otherwise at a special  
8 election to be held for that purpose in accordance with RCW  
9 29A.04.330, unless the city or town resolves to move its regularly  
10 scheduled elections to even-numbered years as allowed by RCW  
11 29A.04.330, in which case it shall hold regular elections rather than  
12 special elections. In the event that the first election of officers  
13 is to be held at a general municipal election, such election shall be  
14 preceded by a primary election pursuant to RCW 29A.52.210 and  
15 29A.04.311. In the event that the first election of all officers is  
16 to be held at a special election rather than at a general election,  
17 and notwithstanding any provisions of any other law to the contrary,  
18 such special election shall be preceded by a primary election to be  
19 held on a date authorized by RCW 29A.04.321, and the persons  
20 nominated at that primary election shall be voted upon at the next  
21 succeeding special election that is authorized by RCW 29A.04.321:  
22 PROVIDED, That in the event the ordinances calling for  
23 reclassification or reclassification and reorganization under the  
24 provisions of (~~Title 35A RCW~~) this title have been filed with the  
25 secretary of state pursuant to RCW 35A.02.040 for a special election  
26 in an even-numbered year at least ninety days prior to a state  
27 general election then the election of new officers shall be  
28 concurrent with the state primary and general election and shall be  
29 conducted as set forth in general election law.

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

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

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

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

--- END ---