
SENATE BILL 5373

State of Washington

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By Senators Ramos, Nobles, Slatter, Saldaña, Frame, Orwall, Trudeau, Stanford, Riccelli, Shewmake, Lias, Bateman, Pedersen, Valdez, and C. Wilson

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1 AN ACT Relating to shifting general elections for local
2 governments to even-numbered years to increase voter participation;
3 amending RCW 29A.04.330, 35.17.020, 35.18.270, 35.23.051, 35.27.090,
4 35.30.080, 35A.02.050, 3.50.040, and 3.50.050; and creating a new
5 section.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that participation
8 in local government elections is integral to ensuring that local
9 governments and elected officials accurately represent and are
10 accountable to the communities which they serve. The legislature
11 believes that when there is low voter participation in an election,
12 policy outcomes are more favorable to special interests and less
13 reflective of the needs of the broader community. Over the past eight
14 years, Washington has had a dramatic gap between odd-year and even-
15 year voter participation: Participation in local elections in odd-
16 numbered years averages around 40.5 percent, while even-numbered year
17 elections average around 80 percent participation, nearly double that
18 of odd-year elections.

19 Under current law, local governments generally must conduct
20 elections in odd-numbered years that do not coincide with federal or
21 state elections. The legislature believes that holding local

1 government elections in even-numbered years will increase voter
2 turnout and ensure that a broader cross-section of voters participate
3 in contests for local offices, resulting in local governments that
4 more accurately represent and reflect the desires and needs of their
5 communities. In particular, an increase in voter turnout will ensure
6 that the voices of younger voters, working and low-income families,
7 and people with disabilities are heard. Therefore, to increase voter
8 participation in local elections, the legislature intends to provide
9 local governments the option to conduct local elections in even-
10 numbered years.

11 **Sec. 2.** RCW 29A.04.330 and 2015 c 146 s 2 are each amended to
12 read as follows:

13 (1) All city, town, and district general elections shall be held
14 throughout the state of Washington on the first Tuesday following the
15 first Monday in November in the odd-numbered years, except as
16 provided in subsection (6) of this section.

17 This section shall not apply to:

18 (a) Elections for the recall of any elective public officer;

19 (b) Public utility districts, conservation districts, or district
20 elections at which the ownership of property within those districts
21 is a prerequisite to voting, all of which elections shall be held at
22 the times prescribed in the laws specifically applicable thereto;

23 (c) Consolidation proposals as provided for in RCW 28A.315.235
24 and nonhigh capital fund aid proposals as provided for in chapter
25 28A.540 RCW; and

26 (d) Special flood control districts consisting of three or more
27 counties.

28 (2) The county auditor, as ex officio supervisor of elections,
29 upon request in the form of a resolution of the governing body of a
30 city, town, or district, presented to the auditor prior to the
31 proposed election date, shall call a special election in such city,
32 town, or district, and for the purpose of such special election he or
33 she may combine, unite, or divide precincts. Such a special election
34 shall be held on one of the following dates as decided by the
35 governing body:

36 (a) The second Tuesday in February;

37 (b) The fourth Tuesday in April;

38 (c) The day of the primary election as specified by RCW
39 29A.04.311; or

1 (d) The first Tuesday after the first Monday in November.

2 (3) A resolution calling for a special election on a date set
3 forth in subsection (2)(a) and (b) of this section must be presented
4 to the county auditor at least sixty days prior to the election date.
5 A resolution calling for a special election on a date set forth in
6 subsection (2)(c) of this section must be presented to the county
7 auditor no later than the Friday immediately before the first day of
8 regular candidate filing. A resolution calling for a special election
9 on a date set forth in subsection (2)(d) of this section must be
10 presented to the county auditor no later than the day of the primary.

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

20 (5) This section shall supersede the provisions of any and all
21 other statutes, whether general or special in nature, having
22 different dates for such city, town, and district elections, the
23 purpose of this section being to establish mandatory dates for
24 holding elections, with the exception of subsection (6) of this
25 section.

26 (6) A city, town, or special purpose district that holds its
27 elections under this title may choose to hold its regular elections
28 in even-numbered years by: Providing notice to the county or counties
29 in which it is located following adoption of an ordinance or policy;
30 approval by the voters of an ordinance or charter amendment referred
31 by its legislative body; or, in jurisdictions in which citizens may
32 propose an initiative or charter amendment under RCW 35.22.220,
33 35A.11.080, or 35A.09.020, approval by the voters of an initiative or
34 charter amendment proposed by the voters.

35 (a) A city, town, or special purpose district moving its regular
36 elections to even-numbered years through adoption of an ordinance or
37 policy by its legislative body must hold two public hearings not less
38 than 30 days apart to consider public input. A vote on final adoption
39 of the ordinance or policy may be taken only after at least 30 days

1 have elapsed since the date on which the second of the two public
2 hearings was held.

3 (b) A city, town, or special purpose district moving its regular
4 elections to even-numbered years must transition from odd-numbered to
5 even-numbered years by electing each position to one term that is
6 either one year shorter or one year longer in duration than provided
7 by law. The length of the transitional term must be specified in the
8 ordinance, policy, initiative, or charter amendment that proposes the
9 transition. After conclusion of that term, beginning in an even-
10 numbered year, elections for positions must be for their prescribed
11 term lengths. For special purpose districts, this subsection shall
12 supersede any conflicting provisions regarding term lengths in
13 statutes governing the district.

14 (c) A city, town, or special purpose district that chooses to
15 hold its elections in even-numbered years must do so for all elected
16 positions in the jurisdiction.

17 (d) If a city, town, or special purpose district repeals an
18 ordinance, charter amendment, or policy that moved its elections to
19 even-numbered years, the jurisdiction shall transition back to odd-
20 numbered year elections by electing each position to one term that is
21 one year shorter in duration than provided by law. After conclusion
22 of that term, beginning in an odd-numbered year, elections for
23 positions must be for their prescribed term lengths.

24 (e) An ordinance, charter amendment, or policy must be adopted by
25 January 15th of an odd-numbered year for the city, town, or special
26 purpose district to begin transition under (b) of this subsection in
27 that calendar year.

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

30 (1) All regular elections in cities organized under the statutory
31 commission form of government shall be held quadrennially in the odd-
32 numbered years on the dates provided in RCW 29A.04.330, except for
33 cities that are moving or have moved their regular elections to even-
34 numbered years under RCW 29A.04.330. ((However, after commissioners
35 are elected at the next general election occurring in 1995 or 1997,
36 regular elections in cities organized under a statutory commission
37 form of government shall be held biennially at municipal general
38 elections.))

1 (2) The commissioners shall be nominated and elected at large.
2 Their terms shall be for four years, unless the city is transitioning
3 its regular elections to even-numbered years as provided by RCW
4 29A.04.330, and until their successors are elected and qualified and
5 assume office in accordance with RCW 29A.60.280. However, at the next
6 regular election of a city organized under a statutory commission
7 form of government, the terms of office of commissioners shall occur
8 with the person who is elected as a commissioner receiving the least
9 number of votes being elected to a two-year term of office and the
10 other two persons who are elected being elected to four-year terms of
11 office. Thereafter, commissioners shall be elected to four-year terms
12 of office.

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

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

17 If the majority of the votes cast at a special election for
18 organization on the council-manager plan favor the plan, the city or
19 town shall elect the council required under the council-manager plan
20 in number according to its population at the next municipal general
21 election. However, special elections shall be held to nominate and
22 elect the new city councilmembers at the next primary and general
23 election held in an even-numbered year if the next municipal general
24 election is more than one year after the date of the election at
25 which the voters approved the council-manager plan, unless the city
26 or town is moving or has moved its regularly scheduled elections to
27 even-numbered years as provided by RCW 29A.04.330, in which case it
28 shall hold regular elections rather than special elections. The
29 staggering of terms of office shall occur at the election when the
30 new councilmembers are elected, where the simple majority of the
31 persons elected as councilmembers receiving the greatest numbers of
32 votes shall be elected to four-year terms of office if the election
33 is held in an odd-numbered year, or three-year terms of office if the
34 election is a special election held in an even-numbered year, and the
35 remainder of the persons elected as councilmembers shall be elected
36 to two-year terms of office if the election is held in an odd-
37 numbered year, or one-year terms of office if the election is a
38 special election held in an even-numbered year. The initial
39 councilmembers shall take office immediately when they are elected

1 and qualified, but the lengths of their terms of office shall be
2 calculated from the first day in January in the year following the
3 election.

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

6 General municipal elections in second-class cities shall be held
7 biennially in the odd-numbered years and shall be subject to general
8 election law, unless a second-class city is moving or has moved its
9 general municipal elections to even-numbered years under the process
10 provided for in RCW 29A.04.330.

11 The terms of office of the mayor, city attorney, clerk, and
12 treasurer shall be four years and until their successors are elected
13 and qualified and assume office in accordance with RCW 29A.60.280,
14 unless the second-class city is transitioning its general municipal
15 elections to even-numbered years as provided by RCW 29A.04.330:
16 PROVIDED, That if the offices of city attorney, clerk, and treasurer
17 are made appointive, the city attorney, clerk, and treasurer shall
18 not be appointed for a definite term: PROVIDED FURTHER, That the term
19 of the elected treasurer shall not commence in the same biennium in
20 which the term of the mayor commences, nor in which the terms of the
21 city attorney and clerk commence if they are elected.

22 Council positions shall be numbered in each second-class city so
23 that council position seven has a two-year term of office and council
24 positions one through six shall each have four-year terms of office.
25 Each councilmember shall remain in office until a successor is
26 elected and qualified and assumes office in accordance with RCW
27 29A.60.280.

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

1 shall be deemed to be residents of the wards to which they are
2 assigned for purposes of determining whether those positions are
3 vacant.

4 Whenever such city is so divided into wards, the city council
5 shall designate by ordinance the number of councilmembers to be
6 elected from each ward, apportioning the same in proportion to the
7 population of the wards. Thereafter the councilmembers so designated
8 shall be elected by the voters resident in such ward, or by general
9 vote of the whole city as may be designated in such ordinance.
10 Council position seven shall not be associated with a ward and the
11 person elected to that position may reside anywhere in the city and
12 voters throughout the city may vote at a primary to nominate
13 candidates for position seven, when a primary is necessary, and at a
14 general election to elect the person to council position seven.
15 Additional territory that is added to the city shall, by act of the
16 council, be annexed to contiguous wards without affecting the right
17 to redistrict at the expiration of twenty months after last previous
18 division. The removal of a councilmember from the ward for which he
19 or she was elected shall create a vacancy in such office.

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

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

36 All general municipal elections in towns shall be held biennially
37 in the odd-numbered years as provided in RCW 29A.04.330, except in
38 towns that are moving or have moved their regular elections to even-
39 numbered years under RCW 29A.04.330. The term of office of the mayor

1 and treasurer shall be four years and until their successors are
2 elected and qualified and assume office in accordance with RCW
3 (~~29A.20.040~~) 29A.60.280, unless the town is transitioning its
4 general municipal elections to even-numbered years as provided by RCW
5 29A.04.330: PROVIDED, That the term of the treasurer shall not
6 commence in the same biennium in which the term of the mayor
7 commences. Councilmembers shall be elected for four-year terms,
8 unless the town is transitioning its general municipal elections to
9 even-numbered years as provided by RCW 29A.04.330, and until their
10 successors are elected and qualified and assume office in accordance
11 with RCW (~~29A.20.040~~) 29A.60.280; three at one election and two at
12 the next succeeding biennial election.

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

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

26 (2) All general municipal elections in an unclassified city
27 adopting a resolution under subsection (1) of this section shall be
28 held biennially (~~in the odd-numbered years~~) as provided in RCW
29 29A.04.330 and shall be held in accordance with the general election
30 laws of the state. An unclassified city may hold its general
31 municipal elections in even-numbered years under RCW 29A.04.330 but
32 remains obligated to comply with the requirements of this section.

33 The term of the treasurer shall not commence in the same biennium
34 in which the term of the mayor commences. Candidates for the city
35 council shall run for specific council positions. The staggering of
36 terms of city officers shall be established at the first election,
37 where the simple majority of the persons elected as councilmembers
38 receiving the greatest numbers of votes shall be elected to four-year
39 terms of office and the remainder of the persons elected as

1 councilmembers and the treasurer shall be elected to two-year terms
2 of office. Thereafter, all elected city officers shall be elected for
3 four-year terms and until their successors are elected and qualified
4 and assume office in accordance with RCW 29A.60.280.

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

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

36 Upon reorganization, candidates for all offices shall file or be
37 nominated for and successful candidates shall be elected to specific
38 council positions. The initial terms of office for those elected at a
39 first election of all officers shall be as follows: (1) A simple

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

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

26 **Sec. 9.** RCW 3.50.040 and 2002 c 136 s 2 are each amended to read
27 as follows:

28 Within thirty days after the effective date of the ordinance
29 creating the municipal court, the mayor of each city or town shall
30 appoint a municipal judge or judges of the municipal court for a term
31 of four years. The terms of judges serving on July 1, 1984, and
32 municipal judges who are appointed to terms commencing before January
33 1, 1986, shall expire January 1, 1986. The terms of their successors
34 shall commence on January 1, 1986, and on January 1 of each fourth
35 year thereafter, pursuant to appointment or election as provided in
36 this chapter. Term lengths for municipal judges may be modified to
37 comply with RCW 29A.04.330(6). Appointments shall be made on or
38 before December 1 of the year next preceding the year in which the
39 terms commence.

1 The legislative authority of a city or town that has the general
2 power of confirmation over mayoral appointments shall have the power
3 to confirm the appointment of a municipal judge.

4 A person appointed as a full-time or part-time municipal judge
5 shall be a citizen of the United States of America and of the state
6 of Washington; and an attorney admitted to practice law before the
7 courts of record of the state of Washington: PROVIDED, That in a
8 municipality having a population less than five thousand persons, a
9 person who has taken and passed by January 1, 2003, the qualifying
10 examination for a lay candidate for judicial officer as provided by
11 rule of the supreme court may be the judge. Any city or town shall
12 have authority to appoint a district judge as its municipal judge
13 when the municipal judge is not required to serve full time. In the
14 event of the appointment of a district judge, the city or town shall
15 pay a pro rata share of the salary.

16 **Sec. 10.** RCW 3.50.050 and 1984 c 258 s 107 are each amended to
17 read as follows:

18 The legislative authority of the city or town may, by ordinance,
19 provide that the position of municipal judge within the city or town
20 shall be an elective position. The ordinance shall provide for the
21 qualifications of the municipal judge which shall be the same as the
22 qualifications necessary for the appointment thereof; and further,
23 shall provide that the municipal judge shall be elected in the same
24 manner as other elective city officials are elected to office, and
25 that the term of the municipal judge shall be for a term of four
26 years commencing on January 1, 1986, and every four years thereafter.
27 Term lengths for municipal judges may be modified to comply with RCW
28 29A.04.330(6).

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