

September 11, 2023

#### MEMORANDUM

То:	Finance and Housing Committee
From:	Lish Whitson, Analyst
•	Resolution to place Amendments to the City Charter to change Council Terms on the November 2024 ballot

On September 14, 2023, the Finance and Housing Committee will receive a briefing on a Resolution proposed by Councilmember Mosqueda (Attachment 1). This Resolution would place a measure in front of the City's voters to change the terms of some City Council seats, and to authorize the Council to amend the terms of service of all City elected officials by ordinance if the State authorizes such a change. The Resolution would place the Charter Amendment on the November 2024 ballot. Attachment 2 is the legislation's Summary and Fiscal Note.

This memo briefly describes the proposed changes included in the Resolution.

#### **Resolution to Adjust Council Terms**

Revised Code of Washington (RCW) <u>29A.04.330</u> requires that City, town and district elections occur in odd years and City Charter <u>Article XIX, Section 3</u> states that "The Terms of the Mayor, the City Attorney, and of Councilmembers shall be four years."

The specific years when Councilmembers are elected was determined in 2013 under Charter Amendment 19, enacted in City Charter <u>Article IV, Section 2</u>. Under that section of the Charter, District Council seats (positions 1 through 7) are up for election in 2023, and will be on the ballot in 2027, 2031 and 2035. The two Citywide Council seats (positions 8 and 9) were last elected in 2021, and will be on the ballot in 2025, 2029, and 2033. The result of this system is that seven of the nine City Councilmembers are up for election every four years, resulting in the possibility of significant turnover in those years.

The proposed Resolution would place a charter amendment on the November 2024 ballot that would, if approved by the voters, reduce the terms of four Council seats (Districts 2, 4, and 6, and Citywide seat 9) to two years for one term only. The effect of the change would be to have all even Council seats on the ballot in 2029 and 2033, and all odd Council seats on the ballot in 2027, 2031 and 2035. Attachment 3 provides tables showing how elections would change under the proposed charter amendment.

District 2 is the most diverse Council District, and the only majority Black, Indigenous, People of Color (BIPOC) district in Seattle.<sup>1</sup> District 6 is the least racially diverse Council district. The Councilmember elected in 2027 to each of these positions would serve for a two-year term, alongside the Councilmember representing District 4. The Councilmember elected to Citywide Position 9 in 2025 would also have a two-year term. These positions would have elections three times over seven years, rather than three times over nine years. Campaign costs would increase in these districts over this period, and these districts may have less stable representation on the Council over this period.

While having even and odd Council positions have their elections occur at the same time makes intuitive sense, there are a wide range of combinations of positions could be shifted to meet the goal of reducing the number of Council seats up for election at one time. For example, shifting the elections of any two district Council seats to be on the ballot in 2029 would result in four Council races that year, and five Council races in 2031.

The charter amendment placed on the ballot under the proposed Resolution would also authorize the Council to amend Council terms by Ordinance if the State authorizes or requires the City to have its elections in even years. Even year elections, because of the presence of federal races on the ballot, generally have much higher turnouts than odd-year elections. For example, in 2022, 70.3 percent of Seattle's registered voters voted, compared to 55.3 percent voting in 2021.

This spring, the Washington State Legislature considered legislation to authorize even-year elections and may take up the issue again in the future. Rather than requiring a separate Charter amendment to make such a change, the proposed Charter amendment that would be placed on that ballot would also allow the Council, by Ordinance, to adjust terms so that all elections take place in even years. This section would apply to the terms of the City Attorney and the Mayor as well as Councilmembers.

## **Next Steps**

The Committee will be briefed on the Resolution at its meeting on September 14. If the Council introduces and refers the Resolution to the Committee on September 19, the Committee may vote on it on September 20. If the Committee votes on the Resolution on that date, it could be on the City Council agenda as early as September 25.

If the Council adopts the Resolution, the City Clerk, Executive Director of the Seattle Ethics and Elections Commission, and King County Director of Elections would be requested to place the proposed Charter Amendment on the General Election ballot in November 2024. The Resolution includes a proposed ballot title, but the City Attorney may update the title, as appropriate. In order to pass, the Charter amendment would require approval of a simple majority of the voters.

<sup>&</sup>lt;sup>1</sup> Information from Dave's Redistricting, <u>DRA 2020 (davesredistricting.org)</u>, https://davesredistricting.org/maps#stats::4f892594-3e4c-4572-8397-09316e7e97bb, September 11, 2023

If the Charter amendment were to pass, it would change the terms of office of the Councilmember elected to position 9 in 2025, and the Councilmembers elected to represent Districts 2, 4 and 6 in 2027.

### Attachments:

- 1. Proposed Resolution
- 2. Summary and Fiscal Note
- 3. Current and proposed election schedules
- cc: Esther Handy, Director Aly Pennucci, Deputy Director Yolanda Ho, Supervising Analyst

	Attachment 1 – Proposed Resolution
1	CITY OF SEATTLE
2	RESOLUTION
3 4 5 6 7 8 9 10 11 12 13	<ul> <li>title</li> <li>A RESOLUTION submitting a proposition to the qualified electors of the City to amend Section 2 of Article IV and Section 3 of Article XIX of the City Charter to provide for changes to the terms of office under specified conditions; authorizing the City Clerk and the Executive Director of the Ethics and Elections Commission to take those actions necessary to enable the proposed amendment to appear on the November 5, 2024 ballot and in the local voters' pamphlet; requesting the King County Elections Director to place the proposed amendment on the November 5, 2024 ballot; and providing for publication of the amendment.</li> <li>body</li> <li>WHEREAS, Section 3 of Article XIX of the City Charter provides that all elected officials shall</li> </ul>
14	serve four-year terms, unless otherwise specified in the Charter; and
15	WHEREAS, Section 2 of Article IV of the City Charter currently provides that seven of the
16	City's nine Councilmembers have terms that start and end at the same time; and
17	WHEREAS, this can result in a supermajority of Councilmembers whose terms end at the same
18	time; and
19	WHEREAS, by changing the sequencing of Council elections, the City can avoid the disruption
20	caused by a supermajority of Councilmembers being up for election in the same year; and
21	WHEREAS, by staggering the sequencing of Council elections voters will have the opportunity
22	to support the election of a more representative selection of members each election cycle,
23	allowing for more consistent elections and greater opportunity to make voters voices
24	heard more swiftly and consistently; and
25	WHEREAS, the Washington State Legislature has considered changing the election dates of
26	local elected officials; and
27	WHEREAS, currently the City can only respond to the need to change the terms of elected
28	officials through a Charter amendment; NOW, THEREFORE,

Version No.

1 of 5

1	BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:	
2	Section 1. In accordance with Section 1 of Article XX of the City Charter, Section 2 of	
3	Article IV of the City Charter is proposed to be amended as follows:	
4	Article IV Legislative Department	
5	Sec. 2. CITY COUNCIL, MEMBERS:	
6	To ensure members of the ((eity council)) City Council are closer to the people they represent, to	
7	enable voters to better know their Councilmembers, and to provide a mixed system of district	
8	and at-large representation, the City Council shall consist of nine $(((9)))$ members, with positions	
9	1 through 7 elected by districts and positions 8 and 9 elected from the City at-large.	
10	* * *	
11	((Subdivision E. TRANSITION PROVISIONS:	
12	Notwithstanding Article XIX, Section 3, the four positions elected at the 2013 general	
13	municipal election (positions 2, 4, 6, and 8) shall each be for two year terms ending at midnight,	
14	December 31, 2015. The two at large positions created by Section 1 of this Amendment and	
15	elected at the 2015 general municipal election shall be for two year terms ending at midnight,	
16	December 31, 2017. The seven district positions created by Section 1 of this Amendment and	
17	elected at the 2015 general municipal election shall be for four years terms ending at midnight,	
18	December 31, 2019. After the 2015 general municipal election, all nine City Council positions	
19	shall be for four year terms under Article XIX and this Subdivision shall be of no further effect.))	
20	Subdivision E. TERM STAGGERING PROVISIONS:	
21	Notwithstanding Article XIX, Section 3:	

1	(1) Position 9 as elected at the 2025 municipal general election shall have a term
2	of two years. As elected at the 2027 municipal general election and thereafter, that position shall
3	have a term of four years.
4	(2) Positions 2, 4, and 6 as elected at the 2027 municipal general election shall
5	have terms of two years. As elected at the 2029 municipal general election and thereafter, those
6	positions shall have terms of four years.
7	After all Councilmembers elected at the 2029 municipal general election start their terms,
8	this Subdivision expires and may be removed from the Charter.
9	Section 2. In accordance with Section 1 of Article XX of the City Charter, Section 3 of
10	Article XIX of the City Charter is proposed to be amended as follows:
11	Article XIX Officers; Terms and Vacancies
12	Sec. 3 TERMS OF ELECTIVE OFFICERS:
12 13	<b>Sec. 3 TERMS OF ELECTIVE OFFICERS:</b> The terms of the Mayor, the City Attorney, and of Councilmembers shall be four years <u>, except</u>
13	The terms of the Mayor, the City Attorney, and of Councilmembers shall be four years, except
13 14	The terms of the Mayor, the City Attorney, and of Councilmembers shall be four years, except when this Charter provides otherwise, or when an ordinance creates shorter or longer terms to
13 14 15	The terms of the Mayor, the City Attorney, and of Councilmembers shall be four years, except when this Charter provides otherwise, or when an ordinance creates shorter or longer terms to accommodate moving municipal elections to even-numbered years.
13 14 15 16	The terms of the Mayor, the City Attorney, and of Councilmembers shall be four years, except when this Charter provides otherwise, or when an ordinance creates shorter or longer terms to accommodate moving municipal elections to even-numbered years. Section 3. The City Clerk is authorized and directed to take those actions necessary to
13 14 15 16 17	The terms of the Mayor, the City Attorney, and of Councilmembers shall be four years, except when this Charter provides otherwise, or when an ordinance creates shorter or longer terms to accommodate moving municipal elections to even-numbered years. Section 3. The City Clerk is authorized and directed to take those actions necessary to place the proposed City Charter amendment before the voters at the November 5, 2024 election,
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> </ol>	The terms of the Mayor, the City Attorney, and of Councilmembers shall be four years, except when this Charter provides otherwise, or when an ordinance creates shorter or longer terms to accommodate moving municipal elections to even-numbered years. Section 3. The City Clerk is authorized and directed to take those actions necessary to place the proposed City Charter amendment before the voters at the November 5, 2024 election, including but not limited to publishing the proposed amendment as provided by state law and the
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> </ol>	The terms of the Mayor, the City Attorney, and of Councilmembers shall be four years <u>. except</u> when this Charter provides otherwise, or when an ordinance creates shorter or longer terms to accommodate moving municipal elections to even-numbered years. Section 3. The City Clerk is authorized and directed to take those actions necessary to place the proposed City Charter amendment before the voters at the November 5, 2024 election, including but not limited to publishing the proposed amendment as provided by state law and the City Charter.

Lish Whitson LEG Council Term Changes RES D1c

1	Section 5. The Director of Elections of King County, Washington, as ex officio
2	supervisor of elections, is requested to call for a special election and place the proposed City
3	Charter amendment on the November 5, 2024 ballot (with the Charter amendment number
4	updated if necessary). The following ballot title is submitted to the City Attorney for
5	consideration:
6	THE CITY OF SEATTLE
7	CHARTER AMENDMENT NUMBER 30
8	City of Seattle proposed Charter Amendment No. 30 concerns terms of Councilmembers.
9	
10	This measure would create two-year terms for Councilmember position 9 (2025-2027) and
11	positions 2, 4, and 6 (2027-2029) so that subsequent election cycles would elect even-numbered
12	Councilmembers in 2029 and odd-numbered Councilmembers in 2031. The Charter would also
13	be amended to allow similar flexibility by ordinance to accommodate moving municipal
14	elections to even-numbered years if permitted by state law.
15	
16	Should this measure be enacted into law?
17	Yes
18	No

Adopted by the City	Council the	day of	
nd signed by me in open se	ession in auther	tication of its adop	tion this day of
	, 2023.		
		President	of the City Council
Filed by me this	day of		, 2023.
		Scheereen Dedm	an, City Clerk
Seal)			

## SUMMARY and FISCAL NOTE\*

Department:	Dept. Contact:	CBO Contact:
Legislative	Lish Whitson/206-615-1674	N/A

\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.

## **1. BILL SUMMARY**

**Legislation Title:** A RESOLUTION submitting a proposition to the qualified electors of the City to amend Section 2 of Article IV and Section 3 of Article XIX of the City Charter to provide for changes to the terms of office under specified conditions; authorizing the City Clerk and the Executive Director of the Ethics and Elections Commission to take those actions necessary to enable the proposed amendment to appear on the November 5, 2024 ballot and in the local voters' pamphlet; requesting the King County Elections Director to place the proposed amendment on the November 5, 2024 ballot; and providing for publication of the amendment.

#### Summary and Background of the Legislation:

This Resolution would place a proposed Charter Amendment on the next general election ballot to modify City Council terms. Under the current City Charter, the seven Council district positions are up for election at the same time. The two Citywide Council positions are up for election two years after the district election position.

The proposed Charter Amendment would make two changes to Seattle's Charter:

- 1. Changes Councilmember terms by limiting the term for Citywide Position 9 to two years, starting in 2025, and limiting the terms for District seats 2, 4, and 6 to two years starting in 2027. All even-numbered Council positions, including citywide position 8 would be up for election in 2029, 2033, 2037 and every four years after that. Terms for the odd positions, including citywide position 9, would end in 2027, 2031, 2035 and every four years after that. Those positions would then be up for four-year terms after subsequent elections.
- 2. The City Council would be authorized to change terms of elective officers, including Councilmembers, Mayors, and City Attorneys, by ordinance in order to switch election years to even years. The Washington State legislature has considered amending the Revised Code of Washington to allow even-year elections for City offices, but currently State law requires City elections to occur in odd years.

### 2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? \_\_\_\_\_ Yes

#### 

### **3. SUMMARY OF FINANCIAL IMPLICATIONS**

### Does this legislation amend the Adopted Budget?

Yes X No

**Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?** Yes, if the proposed Charter Amendment is approved by the voters, there would be four positions up for election 2025 and 2027 that otherwise would not be up for election. Those additional positions would require additional funding for democracy vouchers. Costs to the City for democracy vouchers for one race average \$750,000. So, the total increased cost of adding these races would be \$3,000,000. The Democracy Voucher program is funded through a dedicated levy which runs through 2025 and can accommodate the increased costs in 2025. The levy will be up for renewal in 2025 and can be sized to accommodate the additional costs for three additional races in 2027.

King County elections allocates costs for participating in elections based on the number of registered voters in each jurisdiction. Consequently, changing the number of candidates on the ballot would not change those costs. Costs for mailing the voters pamphlet are allocated the same way.

However, costs for preparing and printing the voters pamphlet is driven by the number of pages in the voters' pamphlet for each jurisdiction. There would be some increased cost to the City to have additional positions on the ballot in 2025, but it would be a relatively small share of all costs and would be driven by the number of candidates for these positions.

Are there financial costs or other impacts of *not* implementing the legislation? None identified

## **4. OTHER IMPLICATIONS**

- a. Does this legislation affect any departments besides the originating department? Changing Council terms could require the Democracy Voucher program of the Seattle Ethics and Elections Commission to offer vouchers to additional candidates in 2025 and 2027.
- **b.** Is a public hearing required for this legislation? No
- c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation? No
- d. Does this legislation affect a piece of property? No

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public? District 2 is the most diverse Council District, and the only majority Black, Indigenous, People of Color (BIPOC) district in Seattle. District 6 is the least diverse Council district. The Councilmember elected in 2027 to each of these positions would serve for a two-year term, alongside the Councilmembers representing District 4. The Councilmember elected to Citywide Position 9 would also have a two-year term. These districts would have elections three times over six years, rather than three times over eight years. Campaign costs would increase in these districts over this period, and these districts may have less stable representation on the Council over this period.

## f. Climate Change Implications

- 1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way? No.
- 2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects. No.
- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

Not applicable.

	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031		
District 1	4-year	Term		4-yea	r Term		4-year Term					
District 2	4-year	Term		4-yea	r Term			4-year	r Term			
District 3	4-year	Term		4-yea	r Term			4-year	r Term			
District 4	4-year	Term		4-yea	r Term			4-year	r Term			
District 5	4-year	Term		4-yea	r Term			4-year	r Term			
District 6	4-year	Term	4-year Term			4-year Term						
District 7	4-year	Term	4-year Term				4-year	r Term				
Citywide Position 8	4-year Term			Ferm 4-yea			4-year Term 4-year Term				4-yeai	r Term
Citywide Position 9		4-year Term			4-year Term			4-yeai	r Term			
Total Council Races		7		2		7		2		7		

## **Current Schedule of Elections**

Mayor	4-year Term				4-year Term				4-year Term	
City Attorney	4-year Term			4-year Term				4-year Term		
Total City Races	7		4		7		4		7	

# Proposed Schedule of Elections under the Charter Amendment

	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
District 1	4-year	<sup>-</sup> Term		4-year Term			4-year Term			
District 2	4-year	<sup>-</sup> Term		4-yea	r Term		2-yea	r Term	4-year Term	
District 3	4-year	<sup>-</sup> Term		4-yea	r Term			4-yea	r Term	
District 4	4-year	<sup>-</sup> Term		4-yea	r Term		2-yea	r Term	4-year	Term
District 5	4-year	<sup>-</sup> Term	4-year Term				4-year Term			
District 6	4-year	<sup>-</sup> Term	4-year Term			2-year Term 4-y			Term	
District 7	4-year	<sup>-</sup> Term	4-year Term			4-year Term				
Citywide Position 8		4-yea	r Term 4-yea			4-yea	r Term		4-year Term	
Citywide Position 9		4-yea	r Term	erm 2-year Term				4-yea	ar Term	
Total Council Races		7		2		8		4		5

Mayor	4-y	4-year Term				4-year Term			
City Attorney	4-year Term			4-year Term				4-year Term	
Total City Races	7		4		8		6		5