

July 12, 2022

## MEMORANDUM

**To:** Seattle City Council  
**From:** Lish Whitson, Analyst  
**Subject:** Initiative 134 and Council Bill 120369 – New options for primary elections in Seattle

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On Thursday, July 14, the City Council will hold a meeting to discuss and possibly vote on [Initiative 134](#) (I-134), an initiative to use “approval voting” for primary elections for Mayor, City Councilmembers and City Attorney. The Council will also discuss and may vote on [Council Bill \(CB\) 120369](#), which would add “ranked choice voting” as an alternative to Initiative 134.

The City’s Election Code, Seattle Municipal Code (SMC) [Section 2.04.300](#) limits the use of City resources to support or oppose any ballot measure. Councilmembers and their staff should limit their activities and public statements regarding I-134 and Council Bill 120369 to the permitted activities listed under SMC 2.04.300.

This memorandum provides a brief description of each measure, and describes the options Council has under the City Charter regarding sending initiatives to the ballot.

### **Initiative 134 “Approval Voting”**

Initiative 134 was drafted by members of the public and proponents of I-134 have filed sufficient signatures to place it on the ballot. I-134 would change the system for voting in primaries for elective office in Seattle. Today, in each race on the ballot, voters may choose one candidate and the top two candidates advance to the general election. If I-134 passes, an approval voting system will be adopted:

In the primary elections for the offices of Mayor, City Attorney, and members of the City Council, voters may select on the ballot as many candidates as they approve of for each office. In the primary election, the two candidates receiving the greatest total number of votes for each office shall advance to the general election consistent with state law.

I-134 would go into effect as soon as practicable and no later than 2025. Voters would be instructed to: "Vote for AS MANY as you approve of."

Approval voting is currently in use in Fargo, North Dakota and Saint Louis, Missouri.

## **Council Bill 120369 “Ranked Choice Voting”**

Councilmember Lewis has proposed an alternative to I-134, CB 120369. CB 120369 would change primaries for elective office in Seattle to a ranked choice voting system. If CB 120369 passes:

Voters shall receive ballots that enable them to rank candidates in order of preference. King County Elections shall count votes in rounds. In each round, the candidate who received the fewest first choices shall be eliminated and the ballot with each vote cast for the eliminated candidate shall be transferred to that ballot’s next-highest ranked remaining candidate. Counting of top-ranked candidates and elimination of the lowest-ranked candidate shall continue until two candidates remain. Each voter’s ballot shall count as a single vote for whichever of the two remaining candidates the voter has ranked higher. The final two remaining candidates shall be certified as qualified to appear on the general election ballot.

Voters would be able to rank at least five candidates. CB 120369 would go into effect as soon as practicable and no later than 2027. Voters would be instructed to: “Rank candidates in the order of your choice.”

There are several different versions of ranked choice voting used across the United States. The version proposed under CB 120369 is like that used in New York City for their partisan primaries.

### **Process for City Council action on Initiative 134**

The City Charter, [Article IV, Section 1](#), lays out the process for Council action on initiatives. If King County Elections certifies that an initiative receives sufficient signatures to go on the ballot, the City Clerk files that notice of sufficiency with the Council. For Initiative 134, that notice is included in [Clerk File 314495](#). The filing of that notice begins a 45-day clock for Council action on the initiative. For Initiative 134, the Council is required to act by August 9.

The City Charter allows the Council to “enact, or reject, any initiative bill or measure, but shall not amend or modify the same. It may, however, after rejection of any initiative bill or measure, propose and pass a different one dealing with the same subject.”

### **Enacting an Initiative**

If the Council decided to enact I-134, it would (1) vote to file Clerk File 314495 and (2) vote on a Council Bill containing the substance of I-134. If that Council Bill were to pass, it would go into effect under the standard timetable for Ordinances.

At time of publication of this memo, no Councilmember has requested the drafting of a Council Bill containing the substance of I-134, so the Council is not positioned to take an “Enact” action on Thursday, July 14.

### Rejecting<sup>1</sup> or not Acting on the Initiative

If the Council instead wants to send the initiative to the voters, it must (1) vote to file Clerk File 314495 and (2) adopt [Resolution 32057](#), which asks the City Clerk and Seattle Ethics and Elections Commission to take all necessary actions to place I-134 on the November 8 General Election ballot.<sup>2</sup>

The Council may also, if it desires, adopt a separate Resolution stating its support or opposition for I-134.

### Proposing an alternative

Councilmember Lewis has proposed CB 120369, as an alternative to I-134. Because both I-134 and CB 120369 relate to how Seattle conducts its primaries, it is on the same subject as I-134.

If the Council wants to place CB 120369 on the ballot as an alternative to I-134, it should take the following steps:

1. Vote to file Clerk File 314495.
2. Vote to file a second Clerk File stating the Council's intent to "reject" I-134 and adopt an alternative (Clerk File 314498).
3. Vote to pass CB 120369, adopting the alternative.
4. Vote to substitute Version 2 of Resolution 32057 as shown in Attachment 1 to this memo. This substitute version would ask the Seattle City Clerk and Seattle Ethics and Elections Commission to place both I-134 and its alternative on the ballot.

If both I-134 and an alternative are placed on the ballot, the City Attorney's Office will draft the language that describes how they are voted on. Revised Code of Washington (RCW) [29.72A.050](#) requires that the question on the ballot of whether to adopt either of the measures use the following questions:

1. Should either of these measures be enacted into law?  
Yes  
No
2. Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?  
Proposition 1 A  
Proposition 1 B

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<sup>1</sup> "Reject" is the term used in the City Charter for the Council's position toward an initiative it declines to enact. The Council's act of rejecting an initiative does not necessarily convey opposition to or support for the initiative. If the Council intends to voice collective approval or collective disapproval of I-134, it should adopt a separate Resolution stating its reasons for doing so.

<sup>2</sup> Technically, this would be a "special election" on the November 8 ballot. State law classifies voting on any ballot measure as a "special election." This special election would be placed on the November 8 ballot for elective offices and would appear alongside those races in the voter's pamphlet.

If a majority of voters select “yes” on question 1, a new system for primaries will be adopted. The system that gets the most votes in question 2 will be implemented.

If a majority of voters select “no” in question 1, no new system for primaries will be adopted.

### **Next Steps**

If the Council acts on I-134 before August 2, the City Clerk will take the necessary actions to file the Initiative with King County Elections on the November 8, 2022, ballot, either with or without the alternative contained in CB 120369 as described above.

If either I-134 or its alternative is approved by the voters, it would go into effect shortly after the election is certified. I-134 would go into effect by the 2025 election. CB 120369 would go into effect by the 2027 election.

### **Attachments:**

1. Substitute Version 2 of Resolution 32057, moving both I-134 and CB 120369 to November 8 Election

cc: Esther Handy, Director  
Aly Pennucci, Deputy Director  
Yolanda Ho, Lead Analyst

Lish Whitson  
City Council  
July 14, 2022  
D1

**Substitute Version 2 to RES 32057: A resolution regarding a voter-proposed Initiative Measure**

**Sponsor:** Councilmember Lewis

Substitute Version 2 of Resolution 32057 for Version 1 if the Council has voted to send an alternative to Initiative 134 to the ballot

**Effect:** Resolution 32057 asks the Seattle City Clerk and Seattle Ethics and Elections Commission to undertake the steps necessary to place Initiative 134 on the November ballot.

Substitute Version 2 of Resolution 32057 asks the Seattle City Clerk and Seattle Ethics and Elections Commission to undertake the steps necessary to place Initiative 134 and the alternative measure contained in Council Bill 120369 on the ballot together.

If the Council has voted in support of Council Bill 120369, it should move this substitute version of Resolution 32057. If the Council has not voted in support of Council Bill 120369, it should not move this version of the Resolution.

**CITY OF SEATTLE**

**RESOLUTION \_\_\_\_\_**

..title

A RESOLUTION regarding Initiative 134 concerning allowing voters to vote for multiple candidates in primary elections (rejected by the City Council on July 14, 2022); authorizing the City Clerk and the Executive Director of the Ethics and Elections Commission to take those actions necessary to enable proposed Initiative 134 to appear on the November 8, 2022, ballot and the local voters’ pamphlet in conjunction with the Ranked Choice Voting proposal (City Council Bill 120369), which is a proposed alternative measure on the same subject matter in accordance with Charter Article IV; requesting the King County Elections Director to place the proposed Initiative 134 and its alternate on the November 8, 2022, election ballot in accordance with applicable law; and providing for the publication of such proposed Initiative Measure and its alternate.

..body

WHEREAS, proponents submitted to the City Clerk a ballot measure petition concerning allowing voters to vote for multiple candidates in primary elections (which the City Clerk designated as Seattle Initiative No. 134 in Clerk File No. 322196); and

WHEREAS, the City Clerk forwarded the petition to the Director of King County Elections for certification of whether the petition bears a sufficient number of valid signatures to qualify for introduction to the City Council as provided in Seattle City Charter Article IV, Section 1; and

WHEREAS, the Director of King County Elections has certified that the Initiative No. 134 petition bears sufficient valid signatures to qualify for introduction to the City Council as provided in Seattle City Charter Article IV, Section 1; and

WHEREAS, Seattle City Charter Article IV, Section 1 provides that, if the City Council does not enact an initiative bill or measure bearing a sufficient number of signatures, it shall be the duty of the City Council to submit the initiative measure to the voters of the City for their ratification or rejection; and

1 WHEREAS, in accordance with Seattle City Charter Article IV, Section 1 the City Council has  
2 rejected Initiative 134 and has adopted an alternative, Council Bill 120369; and

3 WHEREAS, the City Council finds that Initiative 134 and Council Bill 120369 conflict in certain  
4 particulars regarding the voting procedures for candidates in primary elections; and

5 WHEREAS, the City Council seeks to place both Initiative 134 and its alternative on the ballot  
6 for consideration by the voters of the City of Seattle; NOW, THEREFORE,

7 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:**

8 Section 1. In accordance with City Charter Article IV, the Council reviewed Initiative  
9 134 and rejected it by motion approved by the Council. The Council hereby directs that Initiative  
10 134 be placed on the November 8, 2022 general election ballot to be voted on by the people, in  
11 accordance with applicable law.

12 Section 2. Pursuant to City Charter Article IV, Section 1, in addition to placing Initiative  
13 134 on the ballot, the Council adopted Council Bill (CB) 120369, an alternative measure dealing  
14 with the same subject as Initiative 134. CB 120369 and Initiative 134 conflict in several  
15 particulars. The Council is placing CB 120369 on the November 8, 2022, general election ballot  
16 to be voted on by the people at the same time as Initiative 134.

17 Section 3. The City Clerk is authorized and directed to take those actions necessary to  
18 place City of Seattle Initiative Measure No. 134 filed in Clerk File (CF) 322196, a copy of which  
19 is attached as Attachment A to this resolution in conjunction with CB 120369, on the November  
20 8, 2022, election ballot, including but not limited to publishing the proposed Initiative Measure  
21 and its alternate as provided by the City Charter.

22 Section 4. The Executive Director of the Ethics and Elections Commission is authorized  
23 and requested to take those actions necessary to place information regarding City of Seattle

1 Initiative Measure No. 134 in conjunction with CB 120369 in the November 8, 2022, voters'  
2 pamphlet.

3 Section 5. The Director of Elections of King County, Washington, as ex officio  
4 supervisor of elections, is requested to call for a special election and place City of Seattle  
5 Initiative Measure No. 134 in conjunction with CB 120369 on the November 8, 2022, ballot, and  
6 in accordance with applicable law.

7 Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2022,  
8 and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day of  
9 \_\_\_\_\_, 2022.

10 \_\_\_\_\_  
11 President \_\_\_\_\_ of the City Council

12 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

13 \_\_\_\_\_  
14 Monica Martinez Simmons, City Clerk

15 (Seal)

16 Attachments:  
17 Attachment A - City of Seattle Initiative Measure No. 134 (from Clerk File 322196)





info@seattleapproves.org · seattleapproves.org · (206) 569-4721  
Please return signed petitions to PO Box 22322, Seattle, WA 98102

**WARNING.** Ordinance 94289 provides as follows:

**Section 1.** It is unlawful for any person: 1. To sign or decline to sign any petition for a City initiative, referendum, or Charter amendment, in exchange for any consideration or gratuity or promise thereof; or 2. To give or offer any consideration or gratuity to anyone to induce him or her to sign or not to sign a petition for a City initiative, referendum, or Charter amendment; or 3. To interfere with or attempt to interfere with the right of any voter to sign or not to sign a petition for a City initiative, referendum, or Charter amendment by threat, intimidation or any other corrupt means or practice; or 4. To sign a petition for a City initiative, referendum, or Charter amendment with any other than his or her true name, or to knowingly sign more than one (1) petition for the same initiative, referendum or Charter amendment measure, or to sign any such petition knowing that he or she is not a registered voter of The City of Seattle.

**Section 2.** Any person violating any of the provisions of this ordinance shall upon conviction thereof be punishable by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment in the City Jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

**INITIATIVE PETITION FOR SUBMISSION TO THE SEATTLE CITY COUNCIL.** To the City Council of The City of Seattle:

We, the undersigned registered voters of The City of Seattle, State of Washington, propose and ask for the enactment as an ordinance of the measure known as **Initiative Measure No. 134** entitled:

City of Seattle Initiative Measure 134 concerns allowing voters to vote for multiple candidates in primary elections. This measure would allow voters in primary elections for Mayor, City Attorney, and City Council to select on the ballot as many candidates as they approve of for each office. The two candidates receiving the most votes for each office would advance to the general election, consistent with state law. The City would consult with King County to include instructions on the primary ballot such as "vote for AS MANY as you approve of" for each office.

Should this measure be approved?

- Yes
- No

a full, true, and correct copy of which is included herein, and we petition the Council to enact said measure as an ordinance; and, if not enacted within forty-five (45) days from the time of receipt thereof by the City Council, then to be submitted to the qualified electors of The City of Seattle for approval or rejection at the next regular election or at a special election in accordance with Article IV, Section 1 of the City Charter; and each of us for himself or herself says: **I have personally signed this petition; I am a registered voter of The City of Seattle, State of Washington, and my residence address is correctly stated.**

| PETITIONER'S SIGNATURE | PRINTED NAME | RESIDENCE ADDRESS (STREET AND NUMBER) | DATE SIGNED |
|------------------------|--------------|---------------------------------------|-------------|
| 1.                     |              |                                       |             |
| 2.                     |              |                                       |             |
| 3.                     |              |                                       |             |
| 4.                     |              |                                       |             |
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| 9.                     |              |                                       |             |
| 10.                    |              |                                       |             |

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AN ACT related to voting in city primary elections

**BE IT ORDAINED BY THE PEOPLE OF THE CITY OF SEATTLE:**

Section 1. A new Chapter 2.18 is added to Title 2 of the Seattle Municipal Code as follows:

**CHAPTER 2.18 APPROVAL VOTING IN CITY PRIMARY ELECTIONS**

**2.18.010. Findings**

The People find that a healthy and strong representative democracy depends on voting that allows the people to fully express their will. The City is empowered to provide for its own elections of officers consistent with general election laws, which includes the use of a primary election to winnow candidates to a final list of two for the general election based on the number of votes cast for each candidate. The People find that approval voting allows voters to select ANY candidates whom they support, allowing for the election of candidates with support from the most voters and reflecting a better representation of the voters' will. Approval voting will provide significant improvement in the city's electoral system while still assuring that the two candidates with the greatest number of votes advance from the primary election to the general election.

**2.18.020. Approval voting**

In the primary elections for the offices of Mayor, City Attorney, and members of the City Council, voters may select on the ballot as many candidates as they approve of for each office. In the primary election, the two candidates receiving the greatest total number of votes for each office shall advance to the general election consistent with state law.

**2.18.030. Ballot instructions**

For any election subject to this chapter, the City Clerk shall consult with the appropriate King County officials to ensure that the ballot includes appropriate instructions to voters to effectuate the purposes of this chapter, such as: "Vote for AS MANY as you approve of," with "AS MANY" being written in uppercase.

Section 2. The provisions of this ordinance are severable. If any provision of this ordinance is declared invalid, that invalidity shall not affect other provisions of the ordinance which can be given effect without the invalid provision.

Section 3. The provisions of this ordinance shall be implemented as soon as practicable, and by no later than 2025.

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