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**HOUSE BILL 1396**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representative Hudgins

AN ACT Relating to redistricting regulations; and amending RCW 44.05.020, 44.05.090, and 44.05.060.

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

**Sec.**  RCW 44.05.020 and 2011 c 60 s 41 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context requires otherwise.

(1) "Chief election officer" means the secretary of state.

(2) "Efficiency gap" is the difference between the statewide sum of one party's wasted votes and the statewide sum of the other party's wasted votes divided by the statewide sum of all votes cast, multiplied by one hundred to calculate the percentage. The number of votes cast must be from the certified results of the most recent general election for legislative and congressional races.

(3) "Federal census" means the decennial census required by federal law to be prepared by the United States bureau of the census in each year ending in zero.

((~~(3)~~)) (4) "Lobbyist" means an individual required to register with the Washington public disclosure commission pursuant to RCW 42.17A.600.

((~~(4)~~)) (5) "Plan" means a plan for legislative and congressional redistricting mandated by Article II, section 43 of the state Constitution.

(6) "Wasted votes" means, in legislative and congressional races, all votes cast for a losing candidate and all votes cast for a winning candidate beyond the fifty percent plus one that ensures victory. The number of votes cast used in the calculation must be from the certified results of the most recent general election.

**Sec.**  RCW 44.05.090 and 1990 c 126 s 1 are each amended to read as follows:

In the redistricting plan:

(1) Districts shall have a population as nearly equal as is practicable, excluding nonresident military personnel, based on the population reported in the federal decennial census.

(2) To the extent consistent with subsection (1) of this section the commission plan should, insofar as practical, accomplish the following:

(a) District lines should be drawn so as to coincide with the boundaries of local political subdivisions and areas recognized as communities of interest. The number of counties and municipalities divided among more than one district should be as small as possible;

(b) Districts should be composed of convenient, contiguous, and compact territory. Land areas may be deemed contiguous if they share a common land border or are connected by a ferry, highway, bridge, or tunnel. Areas separated by geographical boundaries or artificial barriers that prevent transportation within a district should not be deemed contiguous; ((~~and~~))

(c) Whenever practicable, a precinct shall be wholly within a single legislative district; and

(d) Districts must not purposefully favor or discriminate against any political party. A legislative or congressional plan is presumed to purposefully favor or discriminate against any political party when the efficiency gap is greater than seven percent. For plans that are presumed to purposefully favor or discriminate against any political party, the commission must include in its published report pursuant to RCW 44.05.080 its reasoning for why the plan does not purposefully favor or discriminate against any political party.

(3) The commission's plan and any plan adopted by the supreme court under RCW 44.05.100(4) shall provide for forty-nine legislative districts.

(4) The house of representatives shall consist of ninety-eight members, two of whom shall be elected from and run at large within each legislative district. The senate shall consist of forty-nine members, one of whom shall be elected from each legislative district.

(5) The commission shall exercise its powers to provide fair and effective representation and to encourage electoral competition. The commission's plan shall not be drawn purposely to favor or discriminate against any political party or group.

**Sec.**  RCW 44.05.060 and 1984 c 13 s 3 are each amended to read as follows:

(1) No member of the commission may:

((~~(1)~~)) (a) Campaign for elective office while a member of the commission;

((~~(2)~~)) (b) Actively participate, while a member of the commission, in or contribute to any political campaign of any candidate for state or federal elective office ((~~while a member of the commission~~)) except if the activity:

(i) Is outside of the state of Washington and not otherwise within the jurisdiction of the commission;

(ii) Does not create the appearance of a conflict of interest with the duties of the commission; and

(iii) Does not involve any affiliation with the commission; or

((~~(3)~~)) (c) Hold or campaign for a seat in the state house of representatives, the state senate, or congress for two years after the effective date of the plan.

(2) Subsection (1)(b) of this section is not intended to prohibit a member of the commission from participating in or supporting nonprofit or other organizations, in the commissioner's private capacity, to the extent such participation is not prohibited under subsection (1)(a) or (c) of this section.

(3) The provisions of subsections (1)(b) and (2) of this section do not relieve a member of the commission of any applicable disqualification and recusal requirements.

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