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**SENATE BILL 6688**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Senators Saldaña, Hunt, Hasegawa, and Frockt

AN ACT Relating to requiring certain counties, cities, and towns to obtain preclearance before instituting voting qualifications, prerequisites, standards, practices, or procedures; amending RCW 29A.92.010; and adding a new section to chapter 29A.92 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 29A.92 RCW to read as follows:

(1)(a) Prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, that is a covered practice, the governing body of a covered jurisdiction shall either:

(i) Institute an action in superior court for a declaratory judgment that the covered practice:

(A) Does not have the purpose or the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group; and

(B) Will not result in the retrogression in the position of persons based on race, color, or membership in a language minority group with respect to their effective exercise of the electoral franchise; or

(ii) Submit such covered practice to the attorney general for issuance of a certification that no objection exists to the enactment or administration by the covered jurisdiction of the covered practice.

(b) The attorney general, or any person whose opportunity to vote is affected by a covered practice that has been enacted or administered by a covered jurisdiction, may institute an action in superior court to compel the governing body of the jurisdiction to institute an action for a declaratory judgment or to seek issuance of a certification of no objection pursuant to this subsection.

(2)(a) No qualification, prerequisite, standard, practice, or procedure that is a covered practice is effective until the superior court has entered a declaratory judgment or the attorney general has issued a certification of no objection.

(b) A certification of no objection is deemed to have been issued if:

(i) The attorney general does not issue an objection within sixty days of the governing body's submission; or

(ii) The attorney general affirmatively indicates that no such objection will be made, upon a showing of good cause to facilitate an expedited approval within sixty days of the governing body's submission.

(c) An affirmative indication by the attorney general that no objection will be made, the attorney general's failure to object, or a declaratory judgment entered by the superior court pursuant to this section does not bar a subsequent action to enjoin enforcement of any qualification, prerequisite, standard, practice, or procedure.

(d) If the attorney general affirmatively indicates that no objection will be made within the sixty-day period following the receipt of the governing body's submission, the attorney general may reserve the right to reexamine the submission if additional information that would otherwise require objection in accordance with this section comes to his or her attention during the remainder of the sixty-day period.

(3) If the attorney general objects to a covered practice submitted by a covered jurisdiction, the governing body of such jurisdiction may file an appeal to the objection in superior court.

(4) If the attorney general issues a certification of no objection to a covered practice submitted by a covered jurisdiction, any person whose opportunity to vote is affected by the covered practice may file an action in superior court to appeal the attorney general's issuance of a certification of no objection.

(5) In any action filed pursuant to this subsection, the superior court shall enjoin the enactment or administration of the covered practice that is the subject of the action unless it determines that the covered practice neither has the purpose or effect of denying or abridging the right to vote on account of race or color or membership in a language minority group nor will it result in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise.

(6) As early as practicable each calendar year, the attorney general shall, in consultation with the secretary of state, the office of financial management, and other relevant agencies, determine which counties, cities, and towns have a voting age population that contains two or more racial or ethnic groups, each constituting at least ten percent of the voting age population of the county, city, or town. The attorney general shall publish the list of these counties, cities, and towns on a web site established and maintained for this purpose. A determination made pursuant to this subsection is effective upon publication.

**Sec.**  RCW 29A.92.010 and 2018 c 113 s 103 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. In applying these definitions and other terms in this chapter, courts may rely on relevant federal case law for guidance.

(1) "At large election" means any of the following methods of electing members of the governing body of a political subdivision:

(a) One in which the voters of the entire jurisdiction elect the members to the governing body;

(b) One in which the candidates are required to reside within given areas of the jurisdiction and the voters of the entire jurisdiction elect the members to the governing body; or

(c) One that combines the criteria in (a) and (b) of this subsection or one that combines at large with district-based elections.

(2) "Covered jurisdiction" means a county, city, or town that is determined pursuant to section 1(6) of this act to have a voting age population that contains two or more racial or ethnic groups which each constitute at least ten percent of its voting age population.

(3) "Covered practice" means:

(a) Any change to the method of election of members of a governing body by adding seats elected at-large or by converting one or more seats elected from a single-member district to one or more at-large seats or seats from a multimember district;

(b) Any change, or series of changes within a twelve-month period, to the boundaries of the covered jurisdiction that reduces by more than five percentage points the proportion of the jurisdiction's voting age population that is composed of members of a single racial or language minority group, as determined by the most recent American community survey data;

(c) Any change to the boundaries of election districts or wards in the covered jurisdiction or to the boundary lines of the covered jurisdiction;

(d) Any change that restricts the ability of any person to provide interpreter services to voters in any language other than English or which limits or impairs the creation or distribution of voting materials in any language other than English;

(e) Any change that reduces the number of or consolidates or relocates voting centers or ballot drop boxes in the covered jurisdiction, except where permitted by law in the event of an emergency; or

(f) Any change to the covered jurisdiction's plan of government or change included in the framing of a charter.

(4) "District-based elections" means a method of electing members to the governing body of a political subdivision in which the candidate must reside within an election district that is a divisible part of the political subdivision and is elected only by voters residing within that election district.

((~~(3)~~)) (5) "Polarized voting" means voting in which there is a difference, as defined in case law regarding enforcement of the federal voting rights act, 52 U.S.C. 10301 et seq., in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate.

((~~(4)~~)) (6) "Political subdivision" means any county, city, town, school district, fire protection district, port district, or public utility district, but does not include the state.

((~~(5)~~)) (7) "Protected class" means a class of voters who are members of a race, color, or language minority group, as this class is referenced and defined in the federal voting rights act, 52 U.S.C. 10301 et seq.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**--- END ---**