

HB 1535 - H AMD 123

By Representative Riccelli

NOT CONSIDERED 01/05/2018

1 Strike everything after the enacting clause and insert the  
2 following:

3 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.32  
4 RCW to read as follows:

5 The definitions in this section apply throughout this chapter  
6 unless the context clearly requires otherwise.

7 (1) "District" means a geographic area within county boundaries  
8 and designated in a county redistricting plan, as provided in section  
9 5 of this act.

10 (2) "District election" means a candidate from each district is  
11 elected in a general election by the voters of the district in which  
12 the candidate resides.

13 (3) "District nomination" means a candidate from each district is  
14 nominated in a primary election by the voters of the district in  
15 which the candidate resides.

16 (4) "Major political party" has the same meaning as in RCW  
17 29A.04.086.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.32  
19 RCW to read as follows:

20 (1)(a) By January 31, 2022, any noncharter county with a  
21 population of four hundred thousand or more must establish a  
22 redistricting committee, in accordance with section 4 of this act, to  
23 review and adjust county commissioner districts. The three  
24 commissioner districts established by the redistricting committee  
25 must be designated as districts numbered one, two, and three. Any  
26 districting plan adopted by the redistricting committee must  
27 designate the initial terms of office for each of the three county  
28 commissioner positions, as provided in RCW 36.32.030(2).

29 (b) Beginning in 2022, district elections for all county  
30 commissioners of a noncharter county with a population of four  
31 hundred thousand or more must be held in accordance with any

1 districting plan adopted by a redistricting committee that is  
2 established in accordance with section 5 of this act.

3 (2) After 2022, by April 30th of each year ending in one, any  
4 noncharter county with a population of four hundred thousand or more  
5 must establish a redistricting committee in accordance with section 4  
6 of this act. The redistricting committee must review and adjust as  
7 necessary the boundaries of the county's three commissioner  
8 districts.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.32  
10 RCW to read as follows:

11 (1) Upon the approval of a majority of registered voters in the  
12 county, or by county ordinance adopted by the county commissioners,  
13 any noncharter county with a population of less than four hundred  
14 thousand may choose to hold both district nominations and district  
15 elections for the office of county commissioner. Each commissioner  
16 must reside in a separate commissioner district and be nominated and  
17 elected by the voters of the district in which he or she resides.

18 (2)(a) Upon a petition of county voters equal to at least ten  
19 percent of the voters voting at the last county general election, a  
20 ballot proposition must be submitted to the voters of the county  
21 authorizing district nominations and district elections for the  
22 office of county commissioner. At least twenty percent of the  
23 signatures on the petition must come from each of the existing  
24 commissioner districts.

25 (b) A petition requesting district nominations and district  
26 elections of county commissioners must be submitted to the county  
27 auditor for verification of signatures. Within thirty days after  
28 submission of the petition, the auditor must determine and certify  
29 whether the petition contains the requisite number of valid  
30 signatures, and then forward the petition to the board of county  
31 commissioners. If the petition has been signed by the requisite  
32 number of county voters, the board of county commissioners must  
33 submit the proposition to the voters for their approval or rejection  
34 at the next general election held at least sixty days after the  
35 proposition has been certified by the auditor.

36 (3) Within fifteen days after a proposition submitted to county  
37 voters under this section is approved, the county must establish a  
38 redistricting committee in accordance with section 4 of this act. The  
39 redistricting committee shall divide the county into three

1 commissioner districts. Beginning in the even-numbered year following  
2 the adoption of a redistricting plan by the committee, nominations  
3 and elections of county commissioners must be held in accordance with  
4 the adopted districting plan.

5 (4) By April 30th of each year ending in one, any noncharter  
6 county with a population of less than four hundred thousand that has  
7 chosen to hold district nominations and district elections for the  
8 office of county commissioner must establish a redistricting  
9 committee in accordance with section 4 of this act. The redistricting  
10 committee must review and adjust as necessary the boundaries of the  
11 county's commissioner districts.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.32  
13 RCW to read as follows:

14 (1) County redistricting committees established under this  
15 chapter must have five members appointed in accordance with this  
16 subsection. The two major political parties in the county shall each  
17 appoint two members to the committee. A fifth member must be  
18 appointed to the redistricting committee by an affirmative vote of at  
19 least three of the four committee members appointed by political  
20 parties. The fifth appointed member shall serve as chair of the  
21 redistricting committee.

22 (2) A vacancy on a redistricting committee must be filled in the  
23 same manner as the initial appointment within fifteen days after the  
24 vacancy occurs.

25 (3) No person may serve on a redistricting committee who:

26 (a) Is not a registered voter of the state at the time of  
27 appointment;

28 (b) Is not a resident of the county;

29 (c) Is or within two years before appointment was a consultant  
30 for or had a contract with the county, or had been a registered  
31 lobbyist that lobbies the county commission; or

32 (d) Is or within two years before appointment was an elected  
33 official or elected legislative, county, or state party officer.

34 (4) Members of a redistricting committee may not:

35 (a) Campaign for elective office while a member of the committee;

36 (b) Actively participate in or contribute to any political  
37 campaign of any candidate for county elective office while a member  
38 of the committee; or

1 (c) Hold or campaign for a seat as a county commissioner for two  
2 years after the date the redistricting committee concludes its duties  
3 under this chapter.

4 (5) Before serving on a county redistricting committee, every  
5 person must take and subscribe an oath to faithfully perform the  
6 duties of that office.

7 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.32  
8 RCW to read as follows:

9 (1) Within thirty days after a redistricting committee is  
10 established under this chapter, the committee must appoint by an  
11 affirmative vote of at least four of its five members a districting  
12 master. The districting master must be qualified by education,  
13 training, and experience to draw a districting plan for the county.  
14 The districting master is not required to be a county resident. If a  
15 redistricting committee does not appoint a districting master within  
16 thirty days, the county auditor must appoint a districting master  
17 within the next thirty days.

18 (2) No more than forty-five days after the appointment of a  
19 districting master to a redistricting committee, the districting  
20 master must:

21 (a) Prepare a draft districting plan dividing the county into  
22 three commissioner districts;

23 (b) Solicit written public comment on the draft districting plan;

24 (c) Amend the draft as necessary after public comments are  
25 received; and

26 (d) Submit the draft plan to the redistricting committee with a  
27 copy of the written public comments.

28 (3)(a) Within ten days after receiving the draft districting  
29 plan, the redistricting committee must publish the draft plan and  
30 provide an opportunity for public comment.

31 (b) Within ten days of publishing the draft plan, the  
32 redistricting committee:

33 (i) Must hold at least one public hearing on the plan, including  
34 notice and public comment; and

35 (ii) May adopt the districting plan; or

36 (iii) May, by an affirmative vote of at least four of the five  
37 committee members, adopt an amended districting plan.

38 (c) If the redistricting committee does not approve and adopt the  
39 original or an amended districting plan within thirty days after it

1 is submitted by the districting master, the districting plan as  
2 submitted must be deemed approved and adopted.

3 (d) The redistricting committee must promptly file the adopted  
4 districting plan with the county auditor. The districting plan is  
5 effective upon filing.

6 (e) County commissioner elections pursuant to the districting  
7 plan filed with the county auditor must begin in the next even-  
8 numbered year.

9 (4) Each commissioner district established by a redistricting  
10 committee under this section must comprise as nearly as possible one-  
11 third of the population of the county. The boundaries of commissioner  
12 districts must:

13 (a) Correspond as nearly as practicable to election precinct  
14 boundaries; and

15 (b) Create districts with compact, contiguous territory  
16 containing geographic units, natural communities, and approximately  
17 equal populations.

18 (5) Upon filing of the adopted districting plan with the county  
19 auditor, the redistricting committee is dissolved until such time as  
20 a new redistricting committee is established as provided in sections  
21 2 and 3 of this act.

22 **Sec. 6.** RCW 36.32.030 and 2015 c 53 s 63 are each amended to  
23 read as follows:

24 (1) Except as provided otherwise in subsection (2) of this  
25 section, the terms of office of county commissioners shall be four  
26 years and shall extend until their successors are elected and  
27 qualified and assume office in accordance with RCW 29A.60.280(~~+~~  
28 ~~PROVIDED, That~~) The terms of office of county commissioners shall be  
29 staggered so that either one or two commissioners are elected at a  
30 general election held in ((a)) each even-numbered year.

31 (2) Except as provided otherwise in section 2 of this act, at the  
32 general election held in 2022, any noncharter county with a  
33 population of four hundred thousand or more must elect three county  
34 commissioners in accordance with a districting plan adopted under  
35 section 5 of this act. Any county commissioner whose term is set to  
36 expire on or after January 1, 2023, is subject to the new election in  
37 accordance with this section. The three county commissioners shall  
38 begin their terms of office on January 1, 2023, and as designated in  
39 the districting plan: Two of the county commissioners shall serve

1 terms of four years and one of the county commissioners shall serve a  
2 term of two years. The districts in which commissioners will serve  
3 initial terms of four years and the district in which a commissioner  
4 will serve an initial term of two years must be identified in the  
5 adopted districting plan. All successive county commissioners elected  
6 to office shall serve staggered terms of four years, with either one  
7 or two commissioners elected in each even-numbered year.

8 **Sec. 7.** RCW 36.32.050 and 2009 c 549 s 4063 are each amended to  
9 read as follows:

10 (1) Except as provided otherwise in subsection (2) of this  
11 section or this chapter, county commissioners shall be elected by the  
12 qualified voters of the county and the person receiving the highest  
13 number of votes for the office of commissioner for the district in  
14 which he or she resides shall be declared duly elected from that  
15 district.

16 (2) In any noncharter county with a population of four hundred  
17 thousand or more, or in any county that has approved a proposition to  
18 hold district nominations and district elections under section 3 of  
19 this act, county commissioners must be elected by the qualified  
20 electors of the commissioner district in which he or she resides. The  
21 person receiving the highest number of votes at a general election  
22 for the office of commissioner for the district in which he or she  
23 resides must be declared duly elected from that district.

24 **Sec. 8.** RCW 29A.76.010 and 2011 c 349 s 26 are each amended to  
25 read as follows:

26 (1) It is the responsibility of each county, municipal  
27 corporation, and special purpose district with a governing body  
28 comprised of internal director, council, or commissioner districts  
29 not based on statutorily required land ownership criteria to  
30 periodically redistrict its governmental unit, based on population  
31 information from the most recent federal decennial census.

32 (2) Within forty-five days after receipt of federal decennial  
33 census information applicable to a specific local area, the  
34 commission established in RCW 44.05.030 shall forward the census  
35 information to each municipal corporation, county, and district  
36 charged with redistricting under this section.

37 (3) Except as otherwise provided in this act, no later than eight  
38 months after its receipt of federal decennial census data, the

1 governing body of the municipal corporation, county, or district  
2 shall prepare a plan for redistricting its internal or director  
3 districts.

4 (4) The plan shall be consistent with the following criteria:

5 (a) Each internal director, council, or commissioner district  
6 shall be as nearly equal in population as possible to each and every  
7 other such district comprising the municipal corporation, county, or  
8 special purpose district.

9 (b) Each district shall be as compact as possible.

10 (c) Each district shall consist of geographically contiguous  
11 area.

12 (d) Population data may not be used for purposes of favoring or  
13 disfavoring any racial group or political party.

14 (e) To the extent feasible and if not inconsistent with the basic  
15 enabling legislation for the municipal corporation, county, or  
16 district, the district boundaries shall coincide with existing  
17 recognized natural boundaries and shall, to the extent possible,  
18 preserve existing communities of related and mutual interest.

19 (5) During the adoption of its plan, the municipal corporation,  
20 county, or district shall ensure that full and reasonable public  
21 notice of its actions is provided. Before adopting the plan, the  
22 municipal corporation, county, or district ((shall hold at least one  
23 public hearing on the redistricting plan at least one week before  
24 adoption of the plan)) must:

25 (a) Publish the draft plan and hold a meeting, including notice  
26 and comment, within ten days of publishing the draft plan and at  
27 least one week before adopting the plan; and

28 (b) Amend the draft as necessary after receiving public comments  
29 and resubmit any amended draft plan for additional written public  
30 comment at least one week before adopting the plan.

31 (6)(a) Any registered voter residing in an area affected by the  
32 redistricting plan may request review of the adopted local plan by  
33 the superior court of the county in which he or she resides, within  
34 fifteen days of the plan's adoption. Any request for review must  
35 specify the reason or reasons alleged why the local plan is not  
36 consistent with the applicable redistricting criteria. The municipal  
37 corporation, county, or district may be joined as respondent. The  
38 superior court shall thereupon review the challenged plan for  
39 compliance with the applicable redistricting criteria set out in  
40 subsection (4) of this section.

1 (b) If the superior court finds the plan to be consistent with  
2 the requirements of this section, the plan shall take effect  
3 immediately.

4 (c) If the superior court determines the plan does not meet the  
5 requirements of this section, in whole or in part, it shall remand  
6 the plan for further or corrective action within a specified and  
7 reasonable time period.

8 (d) If the superior court finds that any request for review is  
9 frivolous or has been filed solely for purposes of harassment or  
10 delay, it may impose appropriate sanctions on the party requesting  
11 review, including payment of attorneys' fees and costs to the  
12 respondent municipal corporation, county, or district.

13 **Sec. 9.** RCW 36.32.0556 and 1990 c 252 s 5 are each amended to  
14 read as follows:

15 (1) The commissioners in a five-member board of county  
16 commissioners shall be elected to four-year staggered terms.

17 (2) Each commissioner shall reside in a separate commissioner  
18 district. Each commissioner shall be nominated from a separate  
19 commissioner district by the voters of that district.

20 (a) In any noncharter county with a population of fewer than four  
21 hundred thousand, each commissioner shall be elected by the voters of  
22 the entire county.

23 (b) In any noncharter county with a population of four hundred  
24 thousand or more, each commissioner shall be elected by the voters of  
25 the district in which he or she resides.

26 (3) Three members of a five-member board of commissioners shall  
27 constitute a quorum to do business.

28 NEW SECTION. **Sec. 10.** This act may be known and cited as the  
29 responsible representation act.

30 NEW SECTION. **Sec. 11.** If any provision of this act or its  
31 application to any person or circumstance is held invalid, the  
32 remainder of the act or the application of the provision to other  
33 persons or circumstances is not affected."

34 Correct the title.

EFFECT: Removes requirement for a county over 400,000 moving to a five-member commission to adopt district-based elections by 2022. Removes requirement for the districting master to resubmit a draft districting plan for public comment after amending the draft plan. Includes a severability clause.

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