

SHB 2887 - S AMD 731  
By Senator Short

NOT ADOPTED 02/27/2018

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that the leaders of  
4 local jurisdictions should represent the interests of the communities  
5 they serve and should be accountable to all their constituents. The  
6 legislature further finds that district-based elections help to make  
7 elected officials more responsible to their constituents by bringing  
8 candidates closer to the communities from which they are elected. The  
9 legislature further finds that the districting process requires  
10 transparent and fair decision making in a bipartisan effort to ensure  
11 that districts constitute an accurate and balanced representation of  
12 the community.

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

15 The definitions in this section apply throughout this chapter  
16 unless the context clearly requires otherwise.

17 (1) "District" means a geographic area within county boundaries  
18 and designated in a county redistricting plan, as provided in section  
19 6 of this act.

20 (2) "District election" means a candidate from each district is  
21 elected in a general election by the voters of the district in which  
22 the candidate resides.

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

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

28 (1) Beginning in 2020, any noncharter county with a population of  
29 four hundred thousand or more must submit a ballot proposition at the  
30 next general election seeking voter approval to establish a

1 redistricting committee and increase the number of county  
2 commissioners from three to five as provided for in this act. The  
3 ballot proposition must include a brief description of the current  
4 commissioner districts and the statutory membership requirements and  
5 duties of the redistricting committee. The ballot proposition must  
6 also include an explanation of district-based voting as provided in  
7 RCW 36.32.050 and an estimated timeline, including opportunities for  
8 public comment, for the redistricting committee's plan to be adopted  
9 and when subsequent district elections will be held.

10 (2) If a majority of the voters of the county approves the ballot  
11 measure, the county must establish a redistricting committee,  
12 increase the number of county commissioners from three to five, and  
13 use district nominations and district elections for its commissioner  
14 positions as provided for in this act.

15 (3) If a majority of the voters of the county does not approve  
16 the ballot measure, nothing in this chapter prohibits the legislative  
17 body of a noncharter county with a population of four hundred  
18 thousand or more from resubmitting such a proposal in a subsequent  
19 general election.

20 (4) This section does not apply to a noncharter county with a  
21 population of four hundred thousand or more that has previously  
22 elected to increase the number of county commissioners from three to  
23 five under RCW 36.32.055.

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

26 (1) Within one hundred twenty days of voter approval of the  
27 ballot proposition provided for in section 3 of this act, the county  
28 must establish a redistricting committee, in accordance with section  
29 5 of this act, to create, review, and adjust county commissioner  
30 districts in accordance with this subsection. The commissioner  
31 districts established by the redistricting committee must be  
32 designated as districts numerically one through five. Any districting  
33 plan adopted by the redistricting committee must designate the  
34 initial terms of office for each of the county commissioner  
35 positions, as provided in RCW 36.32.030(2).

36 (2) Beginning in 2022, district elections for all county  
37 commissioners in a noncharter county with a population of four  
38 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 6 of this act.

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

5 (1) A county redistricting committee established under this  
6 chapter must have five members appointed in each year ending in one,  
7 as follows:

8 (a) One member shall be appointed by the members of each of the  
9 two largest caucuses, respectively, of the house of representatives  
10 whose legislative districts are wholly within the noncharter county  
11 with a population of four hundred thousand or more;

12 (b) One member shall be appointed by the members of each of the  
13 two largest caucuses, respectively, of the senate whose legislative  
14 districts are wholly within the noncharter county with a population  
15 of four hundred thousand or more; and

16 (c) The fifth member, who shall serve as the nonvoting chair of  
17 the committee, shall be appointed by a majority of the other four  
18 members.

19 (2) Committee members may not be appointed until after January 1,  
20 2021.

21 (a) If any member is not appointed in accordance with the process  
22 in subsection (1)(a) or (b) of this section by March 1st then the  
23 respective legislative leader of each caucus whose qualifying members  
24 have not made an appointment must make the respective appointment by  
25 April 1st. If any caucus does not have at least one qualifying  
26 member, then the legislative leader of that caucus shall make the  
27 appointment by April 1st.

28 (b) If the fifth member is not appointed in accordance with  
29 subsection (1)(c) of this section by April 15th, then the county  
30 board of commissioners must appoint the fifth member by April 30th.

31 (3) A vacancy on a redistricting committee must be filled in the  
32 same manner as the initial appointment within fifteen days after the  
33 vacancy occurs.

34 (4) No person may serve on a redistricting committee who:

35 (a) Is not a registered voter of the state at the time of  
36 appointment;

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

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

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

6 (5) Members of a redistricting committee may not:

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

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

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

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

17 (7) The legislative body of the county will provide adequate  
18 funding and resources to support the duties of the redistricting  
19 committee.

20 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.32  
21 RCW to read as follows:

22 (1) Within one hundred twenty days after a redistricting  
23 committee is established under this chapter, the committee must  
24 prepare and publish a draft districting plan dividing the county into  
25 five commissioner districts. The committee must hold public meetings  
26 in preparing the draft, in compliance with chapter 42.30 RCW, and  
27 records of the committee must be available for public disclosure,  
28 pursuant to chapter 42.56 RCW.

29 (2) Within sixty days of publishing the draft districting plan,  
30 the committee must:

31 (a) Solicit written public comment on the draft;

32 (b) Hold at least one public hearing on the plan, including  
33 notice and public comment;

34 (c) Amend the draft as necessary after the public comment and  
35 hearing; and

36 (d) Either:

37 (i) Adopt the original or amended districting plan by a vote of  
38 at least three of the four voting committee members, and promptly  
39 file the adopted districting plan with the county auditor; or

1 (ii) Notify the state redistricting commission, established under  
2 chapter 44.05 RCW, with instructions to approve a districting plan  
3 for the county.

4 (3) If the committee instructs the state redistricting commission  
5 to approve a districting plan for the county, the state redistricting  
6 commission must convene or reconvene for purposes of approving a  
7 districting plan for the county, in addition to its duties under  
8 chapter 44.05 RCW. The committee may submit any proposed plans  
9 drafted by the committee or a committee member to assist the state  
10 redistricting commission. The state redistricting commission must  
11 approve a districting plan for the county within sixty days of  
12 receiving notice from the committee, and promptly file the plan with  
13 the county auditor.

14 (4) The districting plan is effective upon filing the plan with  
15 the county auditor either by the committee or by the state  
16 redistricting commission.

17 (5) County commissioner elections pursuant to the districting  
18 plan filed with the county auditor must begin in the next even-  
19 numbered year, and conducted in accordance with RCW 36.32.050.

20 (6) Each commissioner district established by a redistricting  
21 committee under this section must comprise as nearly as possible one-  
22 fifth of the population of the county. The boundaries of commissioner  
23 districts must:

24 (a) Correspond as nearly as practicable to election precinct  
25 boundaries; and

26 (b) Create districts with compact, contiguous territory  
27 containing geographic units, natural communities, and approximately  
28 equal populations.

29 (7) Upon filing of the adopted districting plan with the county  
30 auditor, or sixty days after providing notice to the state  
31 redistricting commission, the redistricting committee is dissolved  
32 until April 30th of the next year ending in one. The newly formed  
33 redistricting committee must review and adjust as necessary the  
34 boundaries of the county's commissioner district.

35 **Sec. 7.** RCW 36.32.030 and 2015 c 53 s 63 are each amended to  
36 read as follows:

37 (1) Except as provided otherwise in subsection (2) of this  
38 section, the terms of office of county commissioners shall be four  
39 years and shall extend until their successors are elected and

1 qualified and assume office in accordance with RCW 29A.60.280(~~(+~~  
2 ~~PROVIDED, That~~)) The terms of office of county commissioners shall be  
3 staggered so that either one or two commissioners are elected at a  
4 general election held in (~~a~~) each even-numbered year.

5 (2) At the general election held in 2022, any noncharter county  
6 with a population of four hundred thousand or more must elect county  
7 commissioners in accordance with a districting plan adopted under  
8 section 6 of this act. Any county commissioner whose term is set to  
9 expire on or after January 1, 2023, is subject to the new election in  
10 accordance with the districting plan. The county commissioners shall  
11 begin their terms of office on January 1, 2023, and such terms shall  
12 be staggered terms, as designated in the districting plan.

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

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

21 (2) Beginning in 2022, in any noncharter county with a population  
22 of four hundred thousand or more, county commissioners must be  
23 nominated and elected by the qualified electors of the commissioner  
24 district in which he or she resides. The person receiving the highest  
25 number of votes at a general election for the office of commissioner  
26 for the district in which he or she resides must be declared duly  
27 elected from that district.

28 **Sec. 9.** RCW 29A.76.010 and 2011 c 349 s 26 are each amended to  
29 read as follows:

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

36 (2) Within forty-five days after receipt of federal decennial  
37 census information applicable to a specific local area, the  
38 commission established in RCW 44.05.030 shall forward the census

1 information to each municipal corporation, county, and district  
2 charged with redistricting under this section.

3 (3) Except as otherwise provided in this act, no later than eight  
4 months after its receipt of federal decennial census data, the  
5 governing body of the municipal corporation, county, or district  
6 shall prepare a plan for redistricting its internal or director  
7 districts.

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

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

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

14 (c) Each district shall consist of geographically contiguous  
15 area.

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

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

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

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

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

35 (6)(a) Any registered voter residing in an area affected by the  
36 redistricting plan may request review of the adopted local plan by  
37 the superior court of the county in which he or she resides, within  
38 fifteen days of the plan's adoption. Any request for review must  
39 specify the reason or reasons alleged why the local plan is not  
40 consistent with the applicable redistricting criteria. The municipal

1 corporation, county, or district may be joined as respondent. The  
2 superior court shall thereupon review the challenged plan for  
3 compliance with the applicable redistricting criteria set out in  
4 subsection (4) of this section.

5 (b) If the superior court finds the plan to be consistent with  
6 the requirements of this section, the plan shall take effect  
7 immediately.

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

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

17 **Sec. 10.** RCW 36.32.055 and 1990 c 252 s 2 are each amended to  
18 read as follows:

19 (1) The board of commissioners of any noncharter county with a  
20 population of three hundred thousand or more, and less than four  
21 hundred thousand, may cause a ballot proposition to be submitted at a  
22 general election to the voters of the county authorizing the board of  
23 commissioners to be increased to five members.

24 (2) As an alternative procedure, a ballot proposition shall be  
25 submitted to the voters of a noncharter county authorizing the board  
26 of commissioners to be increased to five members, upon petition of  
27 the county voters equal to at least ten percent of the voters voting  
28 at the last county general election. At least twenty percent of the  
29 signatures on the petition shall come from each of the existing  
30 commissioner districts.

31 Any petition requesting that such an election be held shall be  
32 submitted to the county auditor for verification of the signatures  
33 thereon. Within no more than thirty days after the submission of the  
34 petition, the auditor shall determine if the petition contains the  
35 requisite number of valid signatures. The auditor shall certify  
36 whether or not the petition has been signed by the requisite number  
37 of county voters and forward such petition to the board of county  
38 commissioners. If the petition has been signed by the requisite  
39 number of county voters, the board of county commissioners shall

1 submit such a proposition to the voters for their approval or  
2 rejection at the next general election held at least sixty days after  
3 the proposition has been certified by the auditor.

4 **Sec. 11.** RCW 44.05.080 and 2017 3rd sp.s. c 25 s 33 are each  
5 amended to read as follows:

6 In addition to other duties prescribed by law, the commission  
7 shall:

8 (1) Adopt rules pursuant to the Administrative Procedure Act,  
9 chapter 34.05 RCW, to carry out the provisions of Article II, section  
10 43 of the state Constitution and of this chapter, which rules shall  
11 provide that three voting members of the commission constitute a  
12 quorum to do business, and that the votes of three of the voting  
13 members are required for any official action of the commission;

14 (2) Act as the legislature's recipient of the final redistricting  
15 data and maps from the United States Bureau of the Census;

16 (3) Comply with requirements to disclose and preserve public  
17 records as specified in chapters 40.14 and 42.56 RCW;

18 (4) Hold open meetings pursuant to the open public meetings act,  
19 chapter 42.30 RCW;

20 (5) Prepare and disclose its minutes pursuant to RCW 42.30.035;

21 (6) Be subject to the provisions of RCW 42.17A.700;

22 (7) Prepare and publish a report with the plan; the report will  
23 be made available to the public at the time the plan is published.  
24 The report will include but will not be limited to: (a) The  
25 population and percentage deviation from the average district  
26 population for every district; (b) an explanation of the criteria  
27 used in developing the plan with a justification of any deviation in  
28 a district from the average district population; (c) a map of all the  
29 districts; and (d) the estimated cost incurred by the counties for  
30 adjusting precinct boundaries;

31 (8) Adopt a districting plan for a noncharter county with a  
32 population of four hundred thousand or more, pursuant to section 6 of  
33 this act.

34 NEW SECTION. **Sec. 12.** This act may be known and cited as the  
35 responsible representation act.

36 NEW SECTION. **Sec. 13.** If any provision of this act or its  
37 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 14.** Section 10 of this act takes effect  
4 January 1, 2020."

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**NOT ADOPTED 02/27/2018**

5 On page 1, line 1 of the title, after "elections;" strike the  
6 remainder of the title and insert "amending RCW 36.32.030, 36.32.050,  
7 29A.76.010, 36.32.055, and 44.05.080; adding new sections to chapter  
8 36.32 RCW; creating new sections; and providing an effective date."

EFFECT: (1) Requires a qualifying county to submit a ballot proposition for voter approval to establish a redistricting committee and increase the number of county commissioners from three to five, beginning in 2020.

(2) If approved, the county must establish the redistricting committee within six months of voter approval.

(3) If rejected, the county may resubmit a ballot proposition at any subsequent general election.

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