
SUBSTITUTE SENATE BILL 6002

State of Washington

65th Legislature

2018 Regular Session

By Senate State Government, Tribal Relations & Elections (originally sponsored by Senators Saldaña, Billig, Palumbo, Frockt, Rolfes, Van De Wege, Lias, Ranker, Keiser, Pedersen, Hunt, Wellman, Conway, Chase, McCoy, Dhingra, Kuderer, Hasegawa, Nelson, Carlyle, and Mullet)

READ FIRST TIME 01/15/18.

1 AN ACT Relating to establishing a voting rights act to promote
2 equal voting opportunity in certain political subdivisions and
3 establishing a cause of action to redress lack of voter opportunity;
4 amending RCW 36.32.020, 36.32.040, 54.12.010, and 2.06.030; adding a
5 new section to chapter 28A.343 RCW; adding a new section to chapter
6 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new
7 section to chapter 52.14 RCW; adding a new section to chapter 53.12
8 RCW; adding a new section to chapter 29A.76 RCW; and adding a new
9 chapter to Title 29A RCW.

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

11 **PART I - GENERAL PROVISIONS**

12 NEW SECTION. **Sec. 101.** This act may be known and cited as the
13 Washington voting rights act of 2018.

14 NEW SECTION. **Sec. 102.** The legislature finds that electoral
15 systems that deny race, color, or language minority groups an equal
16 opportunity to elect candidates of their choice are inconsistent with
17 the right to free and equal elections as provided by Article I,
18 section 19 and Article VI, section 1 of the Washington state
19 Constitution as well as protections found in the fourteenth and

1 fifteenth amendments to the United States Constitution. The well-
2 established principle of "one person, one vote" and the prohibition
3 on vote dilution have been consistently upheld in federal and state
4 courts for more than fifty years.

5 The legislature also finds that local government subdivisions are
6 often prohibited from addressing these challenges because of
7 Washington laws that narrowly prescribe the methods by which they may
8 elect members of their legislative bodies. The legislature finds that
9 in some cases, this has resulted in an improper dilution of voting
10 power for these minority groups. The legislature intends to modify
11 existing prohibitions in state laws so that these jurisdictions may
12 voluntarily adopt changes on their own, in collaboration with
13 affected community members, to remedy potential electoral issues so
14 that minority groups have an equal opportunity to elect candidates of
15 their choice or influence the outcome of an election.

16 The legislature intends for this act to be consistent with
17 federal protections that may provide a similar remedy for minority
18 groups. Remedies shall also be available where either the drawing of
19 leaning and influence districts or the use of an alternative
20 proportional voting method is able to address both vote dilution and
21 racial polarization.

22 The legislature also intends for this act to be consistent with
23 legal precedent from *Mt. Spokane Skiing Corp. v. Spokane Co.* (86 Wn.
24 App. 165, 1997) that found that noncharter counties need not adhere
25 to a single uniform county system of government, but that each county
26 have the same "authority available" in order to be deemed uniform.

27 NEW SECTION. **Sec. 103.** The definitions in this section apply
28 throughout this chapter unless the context clearly requires
29 otherwise. In applying these definitions and other terms in this
30 chapter, courts may rely on relevant federal case law for guidance.

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

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

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

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

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

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

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

18 (5) "Protected class" means a class of voters who are members of
19 a race, color, or language minority group, as this class is
20 referenced and defined in the federal voting rights act, 52 U.S.C.
21 10301 et seq.

22 NEW SECTION. **Sec. 104.** As provided in section 302 of this act,
23 no method of electing the governing body of a political subdivision
24 may be imposed or applied in a manner that impairs the ability of
25 members of a protected class or classes to have an equal opportunity
26 to elect candidates of their choice as a result of the dilution or
27 abridgment of the rights of voters who are members of a protected
28 class or classes.

29 **PART II - VOLUNTARY CHANGES TO ELECTORAL PROCESSES**

30 NEW SECTION. **Sec. 201.** (1) A political subdivision that
31 conducts an election pursuant to state, county, or local law, is
32 authorized to change its electoral system, including, but not limited
33 to, implementing a district-based election system, to remedy a
34 potential violation of section 104 of this act.

35 (2) If a political subdivision invokes its authority under this
36 section to implement a district-based election system, the districts
37 shall be drawn in a manner consistent with section 202 of this act.

1 NEW SECTION. **Sec. 202.** (1)(a) Prior to the adoption of its
2 proposed plan, the political subdivision must provide public notice
3 to the community about the proposed remedy to a potential violation
4 of section 104 of this act. If a significant segment of the community
5 has limited English proficiency and speaks a language other than
6 English, the political subdivision must:

7 (i) Provide accurate written and verbal notice of the proposed
8 remedy in languages that diverse residents of the political
9 subdivision can understand, as indicated by demographic data; and

10 (ii) Air radio or television public service announcements
11 describing the proposed remedy broadcast in the languages that
12 diverse residents of the political subdivision can understand, as
13 indicated by demographic data.

14 (b) The political subdivision shall hold at least one public
15 hearing on the proposed plan at least one week before adoption.

16 (c) For purposes of this section, "significant segment of the
17 community" means five percent or more of residents, or five hundred
18 or more residents, whichever is fewer, residing in the political
19 subdivision.

20 (2)(a) If the political subdivision invokes its authority under
21 this section and the plan is adopted during the period of time
22 between the first Tuesday after the first Monday of November and on
23 or before January 15th of the following year, the political
24 subdivision shall order new elections to occur at the next succeeding
25 general election.

26 (b) If the political subdivision invokes its authority under this
27 section and the plan is adopted during the period of time between
28 January 16th and on or before the first Monday of November, the next
29 election will occur as scheduled and organized under the current
30 electoral system, but the political subdivision shall order new
31 elections to occur pursuant to the remedy at the general election the
32 following calendar year.

33 (3) If a political subdivision implements a district-based
34 election system, the plan shall be consistent with the following
35 criteria:

36 (a) Each district shall be as reasonably equal in population as
37 possible to each and every other such district comprising the
38 political subdivision.

39 (b) Each district shall be reasonably compact.

1 (c) Each district shall consist of geographically contiguous
2 area.

3 (d) To the extent feasible, the district boundaries shall
4 coincide with existing recognized natural boundaries and shall, to
5 the extent possible, preserve existing communities of related and
6 mutual interest.

7 (e) District boundaries may not be drawn or maintained in a
8 manner that creates or perpetuates the dilution of the votes of the
9 members of a protected class or classes.

10 (4) Within forty-five days after receipt of federal decennial
11 census information applicable to a specific local area, the
12 commission established in RCW 44.05.030 shall forward the census
13 information to each political subdivision.

14 (5) No later than eight months after its receipt of federal
15 decennial census data, the governing body of the political
16 subdivision that had previously invoked its authority under this
17 section to implement a district-based election system, or that was
18 previously charged with redistricting under section 403 of this act,
19 shall prepare a plan for redistricting its districts, pursuant to RCW
20 29A.76.010, and in a manner consistent with this act.

21 NEW SECTION. **Sec. 203.** (1) A political subdivision that
22 conducts an election pursuant to state, county, or local law, is
23 authorized to change its electoral system to implement an alternative
24 proportional voting method to remedy a potential violation of section
25 104 of this act.

26 (2) If the political subdivision invokes its authority under this
27 section, the political subdivision shall order new elections to occur
28 no sooner than as provided in section 202(2) of this act.

29 (3) A political subdivision may eliminate the staggered terms of
30 any position in order to implement an alternative proportional voting
31 method.

32 (4) As used in this chapter, "alternative proportional voting
33 method" means any at-large election that includes one of the
34 following methods of voting for multiple members of the governing
35 body of a political subdivision:

36 (a) Limiting the number of votes a voter is entitled to cast to
37 fewer than there are positions to elect;

38 (b) Cumulating the number of votes a voter is entitled to cast
39 for each position, and allowing the voter to cast the total number of

1 votes in favor of a single candidate or to distribute the total
2 number of votes among multiple candidates; or

3 (c) Voting in a single transferable vote where voters rank each
4 candidate in order of preference, with their vote counting towards
5 the highest ranked candidate, and preferences allocated among other
6 candidates who are not elected on first place votes.

7 NEW SECTION. **Sec. 204.** A new section is added to chapter
8 28A.343 RCW to read as follows:

9 The school board of directors may authorize a change to its
10 electoral system pursuant to section 201 of this act. Any staggering
11 of directors' terms shall be accomplished as provided in RCW
12 28A.343.030 and 28A.343.600 through 28A.343.650.

13 **Sec. 205.** RCW 36.32.020 and 1982 c 226 s 4 are each amended to
14 read as follows:

15 The board of county commissioners of each county shall divide
16 their county into three commissioner districts so that each district
17 shall comprise as nearly as possible one-third of the population of
18 the county: PROVIDED, That the territory comprised in any voting
19 precincts of such districts shall remain compact, and shall not be
20 divided by the lines of said districts.

21 However, the commissioners of any county composed entirely of
22 islands and with a population of less than thirty-five thousand may
23 divide their county into three commissioner districts without regard
24 to population, except that if any single island is included in more
25 than one district, the districts on such island shall comprise, as
26 nearly as possible, equal populations.

27 The commissioners of any county may authorize a change to their
28 electoral system pursuant to section 201 of this act. Except where
29 necessary to comply with a court order issued pursuant to section 403
30 of this act, and except in the case of an intervening census, the
31 lines of the districts shall not be changed ((oftener)) more often
32 than once in four years and only when a full board of commissioners
33 is present. The districts shall be designated as districts numbered
34 one, two and three.

35 **Sec. 206.** RCW 36.32.040 and 1982 c 226 s 5 are each amended to
36 read as follows:

1 (1) Except as provided in subsection (2) of this section, the
2 qualified electors of each county commissioner district, and they
3 only, shall nominate from among their own number, candidates for the
4 office of county commissioner of such commissioner district to be
5 voted for at the following general election. Such candidates shall be
6 nominated in the same manner as candidates for other county and
7 district offices are nominated in all other respects.

8 (2) Where the commissioners of a county composed entirely of
9 islands with a population of less than thirty-five thousand have
10 chosen to divide the county into unequal-sized commissioner districts
11 pursuant to the exception provided in RCW 36.32.020, the qualified
12 electors of the entire county shall nominate from among their own
13 number who reside within a commissioner district, candidates for the
14 office of county commissioner of such commissioner district to be
15 voted for at the following general election. Such candidates shall be
16 nominated in the same manner as candidates for other county offices
17 are nominated in all other respects.

18 (3) The commissioners of any county may authorize a change to
19 their electoral system pursuant to section 201 of this act.

20 NEW SECTION. Sec. 207. A new section is added to chapter 35.21
21 RCW to read as follows:

22 The legislative authority of a city or town may authorize a
23 change to its electoral system pursuant to section 201 of this act.

24 NEW SECTION. Sec. 208. A new section is added to chapter 35A.21
25 RCW to read as follows:

26 The legislative authority of a code city or town may authorize a
27 change to its electoral system pursuant to section 201 of this act.

28 NEW SECTION. Sec. 209. A new section is added to chapter 52.14
29 RCW to read as follows:

30 The board of fire commissioners of a fire protection district may
31 authorize a change to its electoral system pursuant to section 201 of
32 this act by majority vote.

33 NEW SECTION. Sec. 210. A new section is added to chapter 53.12
34 RCW to read as follows:

35 The port commission may authorize a change to its electoral
36 system pursuant to section 201 of this act.

1 **Sec. 211.** RCW 54.12.010 and 2004 c 113 s 1 are each amended to
2 read as follows:

3 A public utility district that is created as provided in RCW
4 54.08.010 shall be a municipal corporation of the state of
5 Washington, and the name of such public utility district shall be
6 Public Utility District No. of County.

7 The powers of the public utility district shall be exercised
8 through a commission consisting of three members in three
9 commissioner districts, and five members in five commissioner
10 districts.

11 (1) If the public utility district is countywide and the county
12 has three county legislative authority districts, then, at the first
13 election of commissioners and until any change is made in the
14 boundaries of public utility district commissioner districts, one
15 public utility district commissioner shall be chosen from each of the
16 three county legislative authority districts.

17 (2) If the public utility district comprises only a portion of
18 the county, with boundaries established in accordance with chapter
19 54.08 RCW, or if the public utility district is countywide and the
20 county does not have three county legislative authority districts,
21 three public utility district commissioner districts, numbered
22 consecutively, each with approximately equal population and following
23 precinct lines, as far as practicable, shall be described in the
24 petition for the formation of the public utility district, subject to
25 appropriate change by the county legislative authority if and when it
26 changes the boundaries of the proposed public utility district. One
27 commissioner shall be elected as a commissioner of each of the public
28 utility district commissioner districts.

29 (3) Only a registered voter who resides in a commissioner
30 district may be a candidate for, or hold office as, a commissioner of
31 the commissioner district. Only voters of a commissioner district may
32 vote at a primary to nominate candidates for a commissioner of the
33 commissioner district. Voters of the entire public utility district
34 may vote at a general election to elect a person as a commissioner of
35 the commissioner district.

36 (4) The term of office of each public utility district
37 commissioner other than the commissioners at large shall be six
38 years, and the term of each commissioner at large shall be four
39 years. Each term shall be computed in accordance with RCW
40 (~~(29A.20.040)~~) 29A.60.280 following the commissioner's election. All

1 public utility district commissioners shall hold office until their
2 successors shall have been elected and have qualified and assume
3 office in accordance with RCW (~~(29A.20.040)~~) 29A.60.280.

4 (5) A vacancy in the office of public utility district
5 commissioner shall occur as provided in chapter 42.12 RCW or by
6 nonattendance at meetings of the public utility district commission
7 for a period of sixty days unless excused by the public utility
8 district commission. Vacancies on a board of public utility district
9 commissioners shall be filled as provided in chapter 42.12 RCW.

10 (6) The boundaries of the public utility district commissioner
11 districts may be changed only by the public utility district
12 commission or by a court order issued pursuant to section 403 of this
13 act, and shall be examined every ten years to determine substantial
14 equality of population in accordance with chapter 29A.76 RCW. Except
15 as provided in this section (~~(e)~~), section 403 of this act, RCW
16 54.04.039, or in the case of an intervening census, the boundaries
17 shall not be changed (~~(often)~~) more often than once in four years.
18 Boundaries may only be changed when all members of the commission are
19 present. Whenever territory is added to a public utility district
20 under RCW 54.04.035, or added or withdrawn under RCW 54.04.039, the
21 boundaries of the public utility commissioner districts shall be
22 changed to include the additional or exclude the withdrawn territory.
23 Unless the boundaries are changed pursuant to RCW 54.04.039, the
24 proposed change of the boundaries of the public utility district
25 commissioner district must be made by resolution and after public
26 hearing. Notice of the time of the public hearing shall be published
27 for two weeks before the hearing. Upon a referendum petition signed
28 by ten percent of the qualified voters of the public utility district
29 being filed with the county auditor, the county legislative authority
30 shall submit the proposed change of boundaries to the voters of the
31 public utility district for their approval or rejection. The petition
32 must be filed within ninety days after the adoption of resolution of
33 the proposed action. The validity of the petition is governed by the
34 provisions of chapter 54.08 RCW.

35 **PART III - CITIZEN-INITIATED CHANGES TO ELECTORAL PROCESSES**

36 NEW SECTION. **Sec. 301.** (1) A person who intends to challenge a
37 political subdivision's electoral system under this act shall first

1 notify the political subdivision. The political subdivision shall
2 promptly make such notice public.

3 (2) The notice provided shall identify the person or persons who
4 intend to file an action, and the protected class or classes whose
5 members do not have an equal opportunity to elect candidates of their
6 choice because of alleged vote dilution and polarized voting. The
7 notice shall also include a type of remedy the person believes may
8 address the alleged violation of section 302 of this act.

9 NEW SECTION. **Sec. 302.** (1) A political subdivision is in
10 violation of this act when it is shown that:

11 (a) Elections in the political subdivision exhibit polarized
12 voting; and

13 (b) There is a significant risk that members of a protected class
14 or classes do not have an equal opportunity to elect candidates of
15 their choice as a result of the dilution or abridgment of the rights
16 of members of that protected class or classes.

17 (2) The fact that members of a protected class are not
18 geographically compact or concentrated to constitute a majority in a
19 proposed or existing district-based election district shall not
20 preclude a finding of a violation under this act, but may be a factor
21 in determining a remedy. The equal opportunity to elect shall be
22 assessed pragmatically, based on local election conditions, and may
23 include crossover districts.

24 (3) In determining whether there is polarized voting under this
25 act, the court shall analyze elections of the governing body of the
26 political subdivision, ballot measure elections, elections in which
27 at least one candidate is a member of a protected class, and other
28 electoral choices that affect the rights and privileges of members of
29 a protected class. Only elections conducted prior to the filing of an
30 action pursuant to this act shall be used to establish or rebut the
31 existence of polarized voting.

32 (4) The election of candidates who are members of a protected
33 class and who were elected prior to the filing of an action pursuant
34 to this act shall not preclude a finding of polarized voting that
35 results in an unequal opportunity for a protected class to elect
36 candidates of their choice.

37 (5) Proof of intent on the part of the voters or elected
38 officials to discriminate against a protected class is not required
39 for a cause of action to be sustained.

1 (6) Other factors such as the history of discrimination, the use
2 of electoral devices or other voting practices or procedures that may
3 enhance the dilutive effects of at-large elections, denial of access
4 to those processes determining which groups of candidates will
5 receive financial or other support in a given election, the extent to
6 which members of a protected class bear the effects of past
7 discrimination in areas such as education, employment, and health,
8 which hinder their ability to participate effectively in the
9 political process, and the use of overt or subtle racial appeals in
10 political campaigns are probative, but not necessary factors, to
11 establish a violation of this act.

12 NEW SECTION. **Sec. 303.** (1) The political subdivision shall work
13 in good faith with the person providing the notice to implement a
14 remedy that provides the protected class or classes identified in the
15 notice an equal opportunity to elect candidates of their choice.

16 (2) If the political subdivision adopts a remedy that takes the
17 notice into account, or adopts the notice's proposed remedy, the
18 political subdivision shall seek a court order, which shall be
19 subject to mandatory direct appeal to the supreme court,
20 acknowledging that the political subdivision's remedy complies with
21 section 104 of this act and was prompted by a plausible violation.
22 The person who submitted the notice may support or oppose such an
23 order, and may obtain public records to do so. The political
24 subdivision must provide all political, census, and demographic data
25 and any analysis of that data used to develop the remedy in its
26 filings seeking the court order and with any documents made public.

27 (3) If the court concludes that the political subdivision's
28 remedy complies with section 104 of this act, an action under this
29 act may not be brought against that political subdivision for four
30 years by any party so long as the political subdivision does not
31 enact a change to or deviation from the remedy during this four-year
32 period that would otherwise give rise to an action under this act.

33 (4) In agreeing to adopt the person's proposed remedy, the
34 political subdivision may do so by stipulation, which shall become a
35 public document.

36 NEW SECTION. **Sec. 304.** (1) Any person may file an action under
37 this act if, one hundred eighty days after a political subdivision
38 receives notice of a challenge to its electoral system under section

1 301 of this act, the political subdivision has not obtained a court
2 order stating that it has adopted a remedy in compliance with section
3 104 of this act.

4 (2) If a political subdivision has received two or more notices
5 containing materially different proposed remedies, the political
6 subdivision shall work in good faith with the persons to implement a
7 remedy that provides the protected class or classes identified in the
8 notices an equal opportunity to elect candidates of their choice. If
9 the political subdivision adopts one of the remedies offered, or a
10 different remedy that takes multiple notices into account, the
11 political subdivision shall seek a court order, which is subject to
12 mandatory direct appeal to the supreme court, acknowledging that the
13 political subdivision's remedy complies with section 104 of this act
14 and was prompted by a plausible violation. The persons who submitted
15 notices may support or oppose such an order. The political
16 subdivision must provide all political, census, and demographic data
17 and any analysis of that data used to develop the remedy in its
18 filings seeking the court order.

19 (3) If the court concludes that the political subdivision's
20 remedy complies with section 104 of this act, an action under this
21 act may not be brought against that political subdivision for four
22 years by any party so long as the political subdivision does not
23 enact a change to or deviation from the remedy during this four-year
24 period that would otherwise give rise to an action under this act.

25 **Sec. 305.** RCW 2.06.030 and 1980 c 76 s 3 are each amended to
26 read as follows:

27 The administration and procedures of the court shall be as
28 provided by rules of the supreme court. The court shall be vested
29 with all power and authority, not inconsistent with said rules,
30 necessary to carry into complete execution all of its judgments,
31 decrees and determinations in all matters within its jurisdiction,
32 according to the rules and principles of the common law and the
33 Constitution and laws of this state.

34 For the prompt and orderly administration of justice, the supreme
35 court may (1) transfer to the appropriate division of the court for
36 decision a case or appeal pending before the supreme court; or (2)
37 transfer to the supreme court for decision a case or appeal pending
38 in a division of the court.

1 Subject to the provisions of this section, the court shall have
2 exclusive appellate jurisdiction in all cases except:

3 (a) cases of quo warranto, prohibition, injunction or mandamus
4 directed to state officials;

5 (b) criminal cases where the death penalty has been decreed;

6 (c) cases where the validity of all or any portion of a statute,
7 ordinance, tax, impost, assessment or toll is drawn into question on
8 the grounds of repugnancy to the Constitution of the United States or
9 of the state of Washington, or to a statute or treaty of the United
10 States, and the superior court has held against its validity;

11 (d) cases involving fundamental and urgent issues of broad public
12 import requiring prompt and ultimate determination; and

13 (e) cases involving substantive issues on which there is a direct
14 conflict among prevailing decisions of panels of the court or between
15 decisions of the supreme court;

16 all of which shall be appealed directly to the supreme court:
17 PROVIDED, That whenever a majority of the court before which an
18 appeal is pending, but before a hearing thereon, is in doubt as to
19 whether such appeal is within the categories set forth in subsection
20 (d) or (e) of this section, the cause shall be certified to the
21 supreme court for such determination.

22 The appellate jurisdiction of the court of appeals does not
23 extend to civil actions at law for the recovery of money or personal
24 property when the original amount in controversy, or the value of the
25 property does not exceed the sum of two hundred dollars.

26 The court shall have appellate jurisdiction over review of final
27 decisions of administrative agencies certified by the superior court
28 pursuant to RCW 34.05.518.

29 The court has mandatory appellate jurisdiction over superior
30 court orders regarding remedies sought by political subdivisions
31 pursuant to sections 303 and 304 of this act.

32 Appeals from the court to the supreme court shall be only at the
33 discretion of the supreme court upon the filing of a petition for
34 review. No case, appeal or petition for a writ filed in the supreme
35 court or the court shall be dismissed for the reason that it was not
36 filed in the proper court, but it shall be transferred to the proper
37 court.

38 **PART IV - SAFE HARBOR AND LEGAL ACTION UNDER THIS ACT**

1 NEW SECTION. **Sec. 401.** (1) After exhaustion of the time period
2 in section 304 of this act, any voter who resides in a political
3 subdivision where a violation of section 104 of this act is alleged
4 may file an action in the superior court of the county in which the
5 political subdivision is located. If the action is against a county,
6 the action may be filed in the superior court of such county, or in
7 the superior court of either of the two nearest judicial districts as
8 determined pursuant to RCW 36.01.050(2). An action filed pursuant to
9 this chapter does not need to be filed as a class action.

10 (2) Members of different protected classes may file an action
11 jointly pursuant to this act if they demonstrate that the combined
12 voting preferences of the multiple protected classes are polarized
13 against the rest of the electorate.

14 NEW SECTION. **Sec. 402.** (1) In an action filed pursuant to this
15 act, the trial court shall set a trial to be held no later than one
16 year after the filing of a complaint, and shall set a discovery and
17 motions calendar accordingly.

18 (2) For purposes of any applicable statute of limitations, a
19 cause of action under this act arises every time there is an election
20 for any members of the governing body of the political subdivision.

21 (3) The plaintiff's constitutional right to the secrecy of the
22 plaintiff's vote is preserved and is not waived by the filing of an
23 action pursuant to this act, and the filing is not subject to
24 discovery or disclosure.

25 (4) In seeking a temporary restraining order or a preliminary
26 injunction, a plaintiff shall not be required to post a bond or any
27 other security in order to secure such equitable relief.

28 (5) No notice may be submitted to any political subdivision
29 pursuant to this act before July 19, 2018.

30 NEW SECTION. **Sec. 403.** (1) The court may order appropriate
31 remedies including, but not limited to, the imposition of a district-
32 based election system. The court may order the affected jurisdiction
33 to draw or redraw district boundaries or appoint an individual or
34 panel to draw or redraw district lines. The proposed districts must
35 be approved by the court prior to their implementation.

36 (2) Implementation of a district-based remedy is not precluded by
37 the fact that members of a protected class do not constitute a
38 numerical majority within a proposed district-based election

1 district. If, in tailoring a remedy, the court orders the
2 implementation of a district-based election district where the
3 members of the protected class are not a numerical majority, the
4 court shall do so in a manner that provides the protected class an
5 equal opportunity to elect candidates of their choice. The court may
6 also approve a district-based election system that provides the
7 protected class the opportunity to join in a coalition of two or more
8 protected classes to elect candidates of their choice if there is
9 demonstrated political cohesion among the protected classes.

10 (3) In tailoring a remedy after a finding of a violation of
11 section 104 of this act:

12 (a) If the court's order providing a remedy or approving proposed
13 districts, whichever is later, is issued during the period of time
14 between the first Tuesday after the first Monday of November and on
15 or before January 15th of the following year, the court shall order
16 new elections, conducted pursuant to the remedy, to occur at the next
17 succeeding general election. If a special filing period is required,
18 filings for that office shall be reopened for a period of three
19 business days, such three-day period to be fixed by the filing
20 officer.

21 (b) If the court's order providing a remedy or approving proposed
22 districts, whichever is later, is issued during the period of time
23 between January 16th and on or before the first Monday of November,
24 the next election will occur as scheduled and organized under the
25 current electoral system, but the court shall order new elections to
26 occur pursuant to the remedy at the general election the following
27 calendar year.

28 (c) The remedy may provide for the political subdivision to hold
29 elections for the members of its governing body at the same time as
30 regularly scheduled elections for statewide or federal offices.

31 NEW SECTION. **Sec. 404.** (1) The court may order imposition of an
32 alternative proportional voting method, as defined in section 203 of
33 this act.

34 (2) If the court's order uses an alternative proportional voting
35 method, the court shall order new elections to occur no sooner than
36 as provided in section 403(3) (a) and (b) of this act.

37 (3) The court's order may provide for a political subdivision to
38 eliminate the staggered terms of any position in order to implement
39 an alternative proportional voting method.

1 NEW SECTION. **Sec. 405.** (1) No action under this act may be
2 brought by any person against a political subdivision that has
3 adopted a remedy to its electoral system after an action is filed
4 that is approved by a court pursuant to section 303 of this act or
5 implemented a court-ordered remedy pursuant to section 403 of this
6 act for four years after adoption of the remedy if the political
7 subdivision does not enact a change to or deviation from the remedy
8 during this four-year period that would otherwise give rise to an
9 action under this act.

10 (2) No action under this act may be brought by any person against
11 a political subdivision that has adopted a remedy to its electoral
12 system in the previous decade before the effective date of this
13 section as a result of a claim under the federal voting rights act
14 until after the political subdivision completes redistricting
15 pursuant to RCW 29A.76.010 for the 2020 decennial census.

16 NEW SECTION. **Sec. 406.** (1) In any action to enforce this
17 chapter, the court may allow the prevailing plaintiff or plaintiffs,
18 other than the state or political subdivision thereof, reasonable
19 attorneys' fees, all nonattorney fee costs as defined by RCW
20 4.84.010, and all reasonable expert witness fees. No fees or costs
21 may be awarded if no action is filed.

22 (2) Prevailing defendants may recover an award of fees or costs
23 pursuant to RCW 4.84.185.

24 **PART V - MISCELLANEOUS PROVISIONS**

25 NEW SECTION. **Sec. 501.** The provisions of parts I, III, and IV
26 of this act are not applicable to cities and towns with populations
27 under one thousand or to school districts with K-12 full-time
28 equivalent enrollments of less than two hundred fifty.

29 NEW SECTION. **Sec. 502.** A new section is added to chapter 29A.76
30 RCW to read as follows:

31 In any change to its electoral system under section 201 of this
32 act or preparation of a subsequent redistricting plan, political
33 subdivisions may use population data regarding political parties only
34 to the extent necessary to ensure compliance with this act or federal
35 law.

1 NEW SECTION. **Sec. 503.** This act supersedes other state laws and
2 local ordinances to the extent that those state laws or ordinances
3 would otherwise restrict a jurisdiction's ability to comply with this
4 act.

5 NEW SECTION. **Sec. 504.** If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 remainder of the act or the application of the provision to other
8 persons or circumstances is not affected.

9 NEW SECTION. **Sec. 505.** Sections 101 through 203, 301 through
10 501, and 503 of this act constitute a new chapter in Title 29A RCW.

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