
**State Government & Tribal Relations
Committee**

2SSB 5287

Brief Description: Ensuring accurate redistricting.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Darneille and Hunt).

Brief Summary of Second Substitute Bill

- Requires the Redistricting Commission to deem each inmate incarcerated in a state adult correctional facility and each person 18 years of age or older placed in a juvenile justice facility or committed to receive involuntary behavioral health treatment as residing at his or her last known place of residence, rather than at the institution of confinement.
- Requires the departments of Corrections, Social and Health Services, and Children, Youth, and Families to provide information about the last known place of residence of each inmate or adult resident to the Commission by July 1 of each year ending in "0."

Hearing Date: 3/26/19

Staff: Jason Zolle (786-7124).

Background:

In response to years of litigation over redistricting plans established by the Legislature or by initiative, the state enacted legislation in 1982 to create a six-member Redistricting Commission (Commission) to draw congressional and state legislative districts "as nearly equal as is practicable." A 1983 constitutional amendment reduced the Commission to five members: one appointed by each of the legislative leaders of the two largest caucuses in each of the two houses, and one nonvoting chair chosen by those four appointed members. When drawing districts, the Commission may seek advice from experts, consultants, and support staff, including attorneys

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not employed by the Attorney General. If three members cannot agree on a plan by the deadline, the Washington Supreme Court must adopt a plan. The Legislature can amend a redistricting plan only by a two-thirds majority vote in each chamber within 30 days after the plan is submitted by the Commission.

The Commission's redistricting plan must draw 10 congressional and 49 state legislative districts such that each district has a population "as nearly equal as is practicable" based on data from the federal census, excluding nonresident military personnel. To the extent possible, district lines in the plan must:

- coincide with boundaries of local political subdivisions and areas recognized as "communities of interest"; and
- be composed of convenient, contiguous, and compact territory. Land connected by a ferry, bridge, or tunnel is considered contiguous.

The Commission's lines must provide fair and effective representation and encourage electoral competition. The Commission cannot draw lines that purposely favor or discriminate against any political party or group.

Along with the redistricting plan, the Commission must publish a report that includes:

- the population of each district and the percentage it deviates from the average district population, along with a justification for each deviation;
- an explanation of the criteria used in developing the plan;
- a map of all the districts; and
- the estimated cost incurred by the counties for adjusting precinct boundaries.

The federal census conducted every 10 years counts people at their usual residence, which is defined as the place where they live and sleep most of the time. The Census Bureau rules specify that certain people in custody on Census Day are counted as follows:

- people in federal and state prisons are counted at the facility;
- people in local jails and other municipal confinement facilities are counted at the facility;
- people in federal detention centers (such as Immigration and Customs Enforcement detention centers) are counted at the facility;
- people in correctional residential facilities (such as halfway houses) are counted at the facility;
- people in noncorrectional residential treatment centers for adults are counted at the residence where they live and sleep most of the time;
- juveniles in correctional facilities for juveniles are counted at the facility;
- juveniles in noncorrectional residential treatment centers for juveniles are counted at the residence where they live and sleep most of the time.

Summary of Bill:

The Redistricting Commission (Commission) must deem each inmate incarcerated in a state adult correctional facility and each person 18 years of age or older in a juvenile justice facility, or committed to receive involuntary behavioral health treatment, as residing at his or her last known place of residence, rather than at the institution of confinement. This includes people who are transferred to a facility outside of Washington. An inmate or resident in state custody in Washington whose last known place of residence was either outside of Washington or cannot be

determined must be deemed to live at an unknown location in the state and excluded from the population count for any district, ward, or precinct.

The last known place of residence is the address at which the inmate was last domiciled prior to the current term of incarceration, as reported by the inmate or resident.

The departments of Corrections, Social and Health Services, and Children, Youth, and Families must provide information about the last known place of residence for each inmate or adult resident to the Commission after April 1 and by July 1 of each year ending in "0." The departments must assign each inmate or adult resident with a unique identifier that is not their identification number. The departments must not provide information about inmates or adult residents whose last known place of residence is either outside of Washington or cannot be determined.

The Commission may not publish information about a specific inmate's or adult resident's last known place of residence. The Commission must adjust race and ethnicity data in districts, wards, and precincts that contain prisons, juvenile justice facilities, or involuntary commitment facilities in a manner that reflects reductions in the local population as inmates and residents are included in the population count of the district, ward, or precinct of their last known place of residence.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2019.