**1745-S AMH MCCA H2239.1 - NOT FOR FLOOR USE**

**SHB 1745** - H AMD TO H AMD (H-2238.1/15) **163**

By Representative McCabe

**NOT ADOPTED 3/5/2015**

Beginning on page 1, line 3, strike all material through "RCW" on page 14, line 12 and insert the following:

"NEW SECTION. **Sec.**  The legislature finds that our representative form of government requires equal and unimpeded access for all citizens to participate in our electoral system and that it is imperative that the right to vote is not denied or infringed upon based on race, creed, color, or gender. The legislature further finds that the state has made important strides to increase access for voter participation. The state voting system by mail has encouraged and empowered the electorate in all stages and places in life to let their voices be heard. Also, technological advancements in voting methods have provided access for military members serving overseas to participate in state elections.

NEW SECTION. **Sec.**  The definition in this section applies throughout this chapter unless the context clearly requires otherwise.

"Political subdivision" means any county, city, town, or school district, but does not include the state.

NEW SECTION. **Sec.**  (1) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any political subdivision in a manner that results in a denial or abridgement of the right of any citizen of the state to vote on account of race, color, or language, as provided in subsection (2) of this section.

(2) A violation of subsection (1) of this section is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the political subdivision are not equally open to participation by members of a class of citizens protected by subsection (1) of this section in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the political subdivision is one circumstance that may be considered: Provided, that nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

(3) Any voter who is a member of a class of citizens protected under subsection (1) of this section and who resides in a political subdivision where a violation of subsection (2) of this section is alleged may file an action in the superior court of the county in which the political subdivision is located. Upon finding a violation, the court may order an appropriate remedy, in consideration of relevant federal case law.

NEW SECTION. **Sec.**  (1) A political subdivision may attempt to increase voter turnout by increasing the number of ballot drop boxes available or increasing the availability of voter registration cards, the cost of which shall be borne by the state.

(2) If a political subdivision has increased the number of drop boxes in its jurisdiction by at least twenty-five percent, then no complaint may be filed, pursuant to section 3 of this act, before at least one primary and one general election has been held after the installment of the additional drop boxes.

NEW SECTION. **Sec.**  Sections 1 through 4 of this act constitute a new chapter in Title 29A RCW."

Correct the title.

EFFECT: (1) Creates a cause of action, based on language borrowed from the federal law, for members of a protected minority group who are denied an equal opportunity to participate in the political process of a political subdivision;

(2) Allows appropriate judicial remedies to be made in consideration of federal case law;

(3) Permits subdivisions to install more ballot drop boxes at the state's expense;

(4) Prohibits an action to be filed until at least one primary and general election has occurred after new drop boxes have been installed; and

(5) Includes an intent section.