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**State Government, Elections &  
Information Technology Committee**

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**SB 5068**

**Brief Description:** Establishing a voting rights act to promote equal voting opportunity in certain political subdivisions by authorizing district-based elections in cities, towns, code cities, and counties.

**Sponsors:** Senators Miloscia, Rivers, Schoesler, Honeyford and Padden.

**Brief Summary of Bill**

- Allows non-charter counties, code cities, second-class cities, and towns the option to implement a district-based voting system for positions on the governing body.

**Hearing Date:** 3/14/17

**Staff:** Sean Flynn (786-7124).

**Background:**

The voting systems for county and city governing commissions and councils vary under state law. Generally, there are several voting methods used in conducting county and city elections:

- *At-Large Elections.* In an at-large voting system, voters throughout the jurisdiction may elect members for each position on the governing body.
- *District-Based Elections.* In a standard district-based voting system, candidates for the governing body must reside in a specified election district to qualify for each designated position. All candidates for a district position then face off in a primary, with only the top candidates to advancing to the general election. At the general election, candidates from each district are elected by voters within the same district.
- *Hybrid Elections.* Hybrid voting systems generally combine elements from the at-large and district-based models. For example, in one type of hybrid voting system candidates are nominated from within an election district, however voters from the entire jurisdiction vote for each district position in the general election. In another type of hybrid system,

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some positions on the governing body are elected by district, while other positions are elected at-large.

Jurisdictions that use voting systems with election districts are required to provide that districts are drawn equally in population and are compact and geographically contiguous, while coinciding with natural boundaries and preserving existing communities of mutual interest. Counties and cities are required to redistrict at least every 10 years, based on the federal census data. The census data may not be used in redistricting to favor or disfavor a racial group or political party.

The state Constitution requires the Legislature to provide a uniform system of county government, though counties may choose to adopt their own form of government by home rule charter. Seven counties currently operate under a home rule charter. All the remaining non-charter counties are required to use a hybrid voting system for positions on the county commission where candidates are nominated from within an election district, but voters from the entire jurisdiction vote for each district position in the general election.

Cities and towns are authorized to conduct elections in a variety of ways. Second-class cities, non-charter optional municipal code cities (code cities), and towns may use an at-large voting system or hybrid voting system similar to the type authorized for non-charter counties. Such municipalities are prohibited from using a standard district-based voting system, unless they had adopted such a voting system prior to 1994, which allowed candidates to be elected from voters within their district at the general election. First-class cities and code cities may adopt their own voting system through adoption of a charter.

In 2014, a federal district court ruled that the City of Yakima's hybrid voting system, with district-based primaries and at-large general elections, violated the federal Voting Rights Act of 1965, because it had the effect of diluting the votes of the Latino minority population and deprived Latino voters of the equal opportunity to participate in city council elections. The court ordered the city to implement a standard district-based voting system.

**Summary of Bill:**

Non-charter counties are authorized to adopt a standard district-based election system by ordinance or, if authorized, by voter initiative. Second class cities, code cities, and towns are authorized to adopt a standard district-based election system by ordinance or initiative, if authorized. Second-class cities and towns may redistrict when qualified to expand from five to seven council positions.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.