

---

**SENATE BILL 6002**

---

**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** Senators Saldaña, Billig, Palumbo, Frockt, Rolfes, Van De Wege, Llias, Ranker, Keiser, Pedersen, Hunt, Wellman, Conway, Chase, McCoy, Dhingra, Kuderer, Hasegawa, Nelson, Carlyle, and Mullet

Prefiled 12/06/17. Read first time 01/08/18. Referred to Committee on State Government, Tribal Relations & Elections.

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, and 54.12.010; adding a new  
5 section to chapter 28A.343 RCW; adding a new section to chapter 35.21  
6 RCW; adding a new section to chapter 35A.21 RCW; adding a new section  
7 to chapter 52.14 RCW; adding a new section to chapter 53.12 RCW;  
8 adding a new section to chapter 29A.76 RCW; and adding a new chapter  
9 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) "Alternative proportional voting method" means any at-large  
32 election that includes one of the following methods of voting for  
33 multiple members of the governing body of a political subdivision:

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

36 (b) Cumulating the number of votes a voter is entitled to cast  
37 for each position, and allowing the voter to cast the total number of  
38 votes in favor of a single candidate or to distribute the total  
39 number of votes among multiple candidates; or

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

5 (2) "At-large election" means any of the following methods of  
6 electing members of the governing body of a political subdivision:

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

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

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

15 (3) "District-based elections" means a method of electing members  
16 to the governing body of a political subdivision in which the  
17 candidate must reside within an election district that is a divisible  
18 part of the political subdivision and is elected only by voters  
19 residing within that election district.

20 (4) "Polarized voting" means voting in which there is a  
21 difference, as defined in case law regarding enforcement of the  
22 federal voting rights act, 52 U.S.C. 10301 et seq., in the choice of  
23 candidates or other electoral choices that are preferred by voters in  
24 a protected class, and in the choice of candidates and electoral  
25 choices that are preferred by voters in the rest of the electorate.

26 (5) "Political subdivision" means any county, city, town, school  
27 district, fire protection district, port district, or public utility  
28 district, but does not include the state.

29 (6) "Protected class" means a class of voters who are members of  
30 a race, color, or language minority group, as this class is  
31 referenced and defined in the federal voting rights act, 52 U.S.C.  
32 10301 et seq.

33 NEW SECTION. **Sec. 104.** As provided in section 302 of this act,  
34 no method of electing the governing body of a political subdivision  
35 may be imposed or applied in a manner that impairs the ability of  
36 members of a protected class to have an equal opportunity to elect  
37 candidates of their choice or an equal opportunity to influence the  
38 outcome of an election as a result of the dilution or abridgment of  
39 the rights of voters who are members of a protected class.

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

2           NEW SECTION.     **Sec. 201.**     (1) A political subdivision that  
3 conducts an election pursuant to state, county, or local law, is  
4 authorized to change its electoral system including, but not limited  
5 to, implementing a district-based election system or an alternative  
6 proportional voting method to remedy a potential violation of section  
7 104 of this act.

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

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

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

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

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

26           (c) For purposes of this section, "significant segment of the  
27 community" means five percent or more of residents, or five hundred  
28 or more residents, whichever is fewer, residing in the political  
29 subdivision.

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

36           (b) If the political subdivision invokes its authority under this  
37 section and the plan is adopted during the period of time between  
38 January 16th and on or before the first Monday of November, the next

1 election will occur as scheduled and organized under the current  
2 electoral system, but the political subdivision shall order new  
3 elections to occur pursuant to the remedy at the general election the  
4 following calendar year.

5 (c) If the political subdivision invokes its authority under this  
6 section and the plan uses an alternative proportional voting method,  
7 the political subdivision shall order new elections to occur no  
8 sooner than as provided in (a) and (b) of this subsection.

9 (3) If a political subdivision implements a district-based  
10 election system, the plan shall be consistent with the following  
11 criteria:

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

15 (b) Each district shall be reasonably compact.

16 (c) Each district shall consist of geographically contiguous  
17 area.

18 (d) To the extent feasible, the district boundaries shall  
19 coincide with existing recognized natural boundaries and shall, to  
20 the extent possible, preserve existing communities of related and  
21 mutual interest.

22 (e) District boundaries may not be drawn or maintained in a  
23 manner that denies a protected class an equal opportunity to elect  
24 candidates of its choice or an equal opportunity to influence the  
25 outcome of an election.

26 (4) Within forty-five days after receipt of federal decennial  
27 census information applicable to a specific local area, the  
28 commission established in RCW 44.05.030 shall forward the census  
29 information to each political subdivision that has invoked its  
30 authority under this section to implement a district-based election  
31 system, or that is charged with redistricting under section 403 of  
32 this act.

33 (5) No later than eight months after its receipt of federal  
34 decennial census data, the governing body of the political  
35 subdivision that had previously invoked its authority under this  
36 section to implement a district-based election system, or that was  
37 previously charged with redistricting under section 403 of this act,  
38 shall prepare a plan for redistricting its districts, pursuant to RCW  
39 29A.76.010, and in a manner consistent with this act.

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

4 NEW SECTION. **Sec. 203.** A new section is added to chapter  
5 28A.343 RCW to read as follows:

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

10 **Sec. 204.** RCW 36.32.020 and 1982 c 226 s 4 are each amended to  
11 read as follows:

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

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

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

31 **Sec. 205.** RCW 36.32.040 and 1982 c 226 s 5 are each amended to  
32 read as follows:

33 (1) Except as provided in subsection (2) of this section, the  
34 qualified electors of each county commissioner district, and they  
35 only, shall nominate from among their own number, candidates for the  
36 office of county commissioner of such commissioner district to be  
37 voted for at the following general election. Such candidates shall be

1 nominated in the same manner as candidates for other county and  
2 district offices are nominated in all other respects.

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

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

15 NEW SECTION. Sec. 206. A new section is added to chapter 35.21  
16 RCW to read as follows:

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

19 NEW SECTION. Sec. 207. A new section is added to chapter 35A.21  
20 RCW to read as follows:

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

23 NEW SECTION. Sec. 208. A new section is added to chapter 52.14  
24 RCW to read as follows:

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

28 NEW SECTION. Sec. 209. A new section is added to chapter 53.12  
29 RCW to read as follows:

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

32 **Sec. 210.** RCW 54.12.010 and 2004 c 113 s 1 are each amended to  
33 read as follows:

34 A public utility district that is created as provided in RCW  
35 54.08.010 shall be a municipal corporation of the state of

1 Washington, and the name of such public utility district shall be  
2 Public Utility District No. . . . . of . . . . . County.

3 The powers of the public utility district shall be exercised  
4 through a commission consisting of three members in three  
5 commissioner districts, and five members in five commissioner  
6 districts.

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

13 (2) If the public utility district comprises only a portion of  
14 the county, with boundaries established in accordance with chapter  
15 54.08 RCW, or if the public utility district is countywide and the  
16 county does not have three county legislative authority districts,  
17 three public utility district commissioner districts, numbered  
18 consecutively, each with approximately equal population and following  
19 precinct lines, as far as practicable, shall be described in the  
20 petition for the formation of the public utility district, subject to  
21 appropriate change by the county legislative authority if and when it  
22 changes the boundaries of the proposed public utility district. One  
23 commissioner shall be elected as a commissioner of each of the public  
24 utility district commissioner districts.

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

32 (4) The term of office of each public utility district  
33 commissioner other than the commissioners at large shall be six  
34 years, and the term of each commissioner at large shall be four  
35 years. Each term shall be computed in accordance with RCW  
36 ((~~29A.20.040~~)) 29A.60.280 following the commissioner's election. All  
37 public utility district commissioners shall hold office until their  
38 successors shall have been elected and have qualified and assume  
39 office in accordance with RCW ((~~29A.20.040~~)) 29A.60.280.



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

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

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

32 NEW SECTION. **Sec. 301.** (1) A person who intends to challenge a  
33 political subdivision's electoral system under this act shall first  
34 notify the political subdivision. The political subdivision shall  
35 promptly make such notice public.

36 (2) The notice provided shall identify the person or persons who  
37 intend to file an action, and the protected class or classes whose  
38 members do not have an equal opportunity to elect candidates of their

1 choice or an equal opportunity to influence the outcome of an  
2 election. The notice shall also include a specific description of the  
3 alleged vote dilution and polarized voting, and a type of remedy the  
4 person believes may address the alleged violation of section 302 of  
5 this act.

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

8 (a) Elections in the political subdivision exhibit polarized  
9 voting; and

10 (b) Members of a protected class do not have an equal opportunity  
11 to elect candidates of their choice or an equal opportunity to  
12 influence the outcome of an election.

13 (2) The fact that members of a protected class are not  
14 geographically compact or concentrated to constitute a majority in a  
15 proposed or existing district-based election district shall not  
16 preclude a finding of a violation under this act, but may be a factor  
17 in determining a remedy.

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

26 (4) The election of candidates who are members of a protected  
27 class and who were elected prior to the filing of an action pursuant  
28 to this act shall not preclude a finding of polarized voting that  
29 results in an unequal opportunity for a protected class to elect  
30 candidates of their choice or influence the outcome of an election.

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

34 NEW SECTION. **Sec. 303.** (1) The political subdivision shall work  
35 in good faith with the person providing the notice to implement a  
36 remedy that provides the protected class or classes identified in the  
37 notice an equal opportunity to elect candidates of their choice or  
38 influence the outcome of an election.

1 (2) If the political subdivision adopts a remedy that takes the  
2 notice into account, or adopts the notice's proposed remedy, the  
3 political subdivision shall seek a court order acknowledging that the  
4 political subdivision's remedy complies with section 104 of this act.  
5 The person who submitted the notice may support or oppose such an  
6 order, and may obtain public records to do so. The political  
7 subdivision must provide all political, census, and demographic data  
8 and any analysis of that data used to develop the remedy in its  
9 filings seeking the court order and with any documents made public.

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

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

19 NEW SECTION. **Sec. 304.** (1) Any person may file an action under  
20 this act if, one hundred eighty days after a political subdivision  
21 receives notice of a challenge to its electoral system under section  
22 301 of this act, the political subdivision has not obtained a court  
23 order stating that it has adopted a remedy in compliance with section  
24 104 of this act.

25 (2) If, within one hundred eighty days after receiving a person's  
26 notice, a political subdivision receives any other notice containing  
27 a materially different proposed remedy than the first notice, no  
28 action may be filed under this act within two hundred seventy days  
29 after receiving the initial notice. All notices shall be made public  
30 promptly.

31 (3) If a political subdivision has received two or more notices  
32 containing materially different proposed remedies, the political  
33 subdivision shall work in good faith with the persons to implement a  
34 remedy that provides the protected class or classes identified in the  
35 notices an equal opportunity to elect candidates of their choice or  
36 influence the outcome of an election. If the political subdivision  
37 adopts one of the remedies offered, or a different remedy that takes  
38 multiple notices into account, the political subdivision shall seek a  
39 court order acknowledging that the political subdivision's remedy

1 complies with section 104 of this act. The persons who submitted  
2 notices may support or oppose such an order. The political  
3 subdivision must provide all political, census, and demographic data  
4 and any analysis of that data used to develop the remedy in its  
5 filings seeking the court order.

6 (4) If the court concludes that the political subdivision's  
7 remedy complies with section 104 of this act, an action under this  
8 act may not be brought against that political subdivision for four  
9 years by any party so long as the political subdivision does not  
10 enact a change to or deviation from the remedy during this four-year  
11 period that would otherwise give rise to an action under this act.

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

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

22 (2) Members of different protected classes may file an action  
23 jointly pursuant to this act if they demonstrate that their combined  
24 voting preferences as a group are different from the rest of the  
25 electorate.

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

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

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

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

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

6 NEW SECTION. **Sec. 403.** (1) The court may order appropriate  
7 remedies including, but not limited to, the imposition of a district-  
8 based election system or an alternative proportional voting method.  
9 The court may order the affected jurisdiction to draw or redraw  
10 district boundaries or appoint an individual or panel to draw or  
11 redraw district lines. The proposed districts must be approved by the  
12 court prior to their implementation.

13 (2) Implementation of a district-based remedy is not precluded by  
14 the fact that members of a protected class do not constitute a  
15 numerical majority within a proposed district-based election  
16 district. If, in tailoring a remedy, the court orders the  
17 implementation of a district-based election district where the  
18 members of the protected class are not a numerical majority, the  
19 court shall do so in a manner that provides the protected class an  
20 equal opportunity to elect candidates of their choice or an equal  
21 opportunity to influence the outcome of an election.

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

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

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

1 (c) If the court's order uses an alternative proportional voting  
2 method, the court shall order new elections to occur no sooner than  
3 as provided in (a) and (b) of this subsection.

4 (d) The remedy may provide for a political subdivision to  
5 eliminate the staggered terms of any position in order to implement  
6 an alternative proportional voting method.

7 NEW SECTION. **Sec. 404.** (1) No action under this act may be  
8 brought by any person against a political subdivision that has  
9 adopted a remedy to its electoral system after an action is filed  
10 that is approved by a court pursuant to section 303 of this act or  
11 implemented a court-ordered remedy pursuant to section 403 of this  
12 act for four years after adoption of the remedy if the political  
13 subdivision does not enact a change to or deviation from the remedy  
14 during this four-year period that would otherwise give rise to an  
15 action under this act.

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

22 NEW SECTION. **Sec. 405.** (1) In any action to enforce this  
23 chapter, the court may allow the prevailing plaintiff or plaintiffs,  
24 other than the state or political subdivision thereof, reasonable  
25 attorneys' fees, all nonattorney fee costs as defined by RCW  
26 4.84.010, and all reasonable expert witness fees. No fees or costs  
27 may be awarded if no action is filed.

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

30 **PART V - MISCELLANEOUS PROVISIONS**

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

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

3        In any change to its electoral system under section 201 of this  
4    act or preparation of a subsequent redistricting plan, political  
5    subdivisions may use population data regarding political parties or  
6    racial, ethnic, or language groups only to the extent necessary to  
7    ensure compliance with this act.

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

12       NEW SECTION.    **Sec. 504.**    If any provision of this act or its  
13   application to any person or circumstance is held invalid, the  
14   remainder of the act or the application of the provision to other  
15   persons or circumstances is not affected.

16       NEW SECTION.    **Sec. 505.**    Sections 101 through 202, 301 through  
17   501, and 503 of this act constitute a new chapter in Title 29A RCW.

--- END ---