**2575-S.E AMS SGTE S7011.4 - NOT FOR FLOOR USE**

**ESHB 2575** - S COMM AMD

By Committee on State Government, Tribal Relations & Elections

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  The legislature finds that Washington has been on the cutting edge of promoting fair and effective representation by initiating reforms to the redistricting process for state legislative and congressional districts. Washington's bipartisan redistricting commission has served as a model for other states. Though the commission has been modified since it was first created, the legislature finds that it is necessary to provide timely reforms to increase trust, transparency, representation, and effectiveness of the commission, so the commission can continue to meet its legislative and constitutional directives and further advance public confidence in its work.

**Sec.**  RCW 44.05.020 and 2011 c 60 s 41 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context requires otherwise.

(1) ((~~"Chief election officer" means the secretary of state.~~

~~(2)~~)) "Federal census" means the decennial census required by federal law to be prepared by the United States bureau of the census in each year ending in zero.

((~~(3)~~)) (2) "Lobbyist" means an individual required to register with the Washington public disclosure commission pursuant to RCW 42.17A.600.

((~~(4)~~)) (3) "Plan" means a plan for legislative and congressional redistricting mandated by Article II, section 43 of the state Constitution.

(4) "Public forum" means a commission meeting for which the primary purpose is to receive testimony and comments from the public.

**Sec.**  RCW 44.05.030 and 1984 c 13 s 1 are each amended to read as follows:

A redistricting commission shall be established in January of each year ending in one to accomplish state legislative and congressional redistricting. The five-member commission shall be appointed as follows:

(1) Each legislative leader of the two largest political parties in each house of the legislature shall appoint one voting member to the commission by January 15th of each year ending in one.

(2) The four legislators appointing commission members pursuant to this section shall certify their appointments to the ((~~chief election officer~~)) secretary of state. If an appointing legislator does not certify an appointment by January 15th of each year ending in one, within five days the supreme court shall certify an appointment to the ((~~chief election officer~~)) secretary of state.

(3) No later than January 31st of the year of their selection, the four appointed members, by an affirmative vote of at least three, shall appoint and certify to the ((~~chief election officer~~)) secretary of state the nonvoting fifth member who shall act as the commission's chairperson. If by January 31st of the year of their selection three of the four voting members fail to elect a chairperson, the supreme court shall within five days certify an appointment to the ((~~chief election officer~~)) secretary of state. A vacancy on the commission shall be filled by the person who made the initial appointment, or their successor, within fifteen days after the vacancy occurs.

**Sec.**  RCW 44.05.070 and 1983 c 16 s 7 are each amended to read as follows:

(1) The commission may employ the services of experts, consultants, and support staff, including attorneys not employed by the attorney general, as necessary to carry out its duties pursuant to this chapter.

(2) The ((~~chief election officer~~)) secretary of state, the treasurer, and the attorney general shall make available to the commission such personnel, facilities, and other assistance as the commission may reasonably request. The ((~~chief election officer~~)) secretary of state shall be the official recipient of all provisional and preliminary census data and maps, and shall forward all such data and maps, upon request, to the commission.

(3) The commission, upon written request by a witness and subject to rules promulgated by the commission, may reimburse witnesses for their necessary expenses incurred in appearing before the commission.

(4) The legislature shall appropriate funds to enable the commission to carry out its duties. Members shall each receive ((~~one hundred dollars of compensation for each day spent in the performance of their duties~~)) a salary equivalent to the current annual salary for legislators provided by RCW 43.03.013 beginning on the date of official appointment to the commission and ending upon the deadline to complete redistricting. These positions are exempt from chapters 41.06 and 41.56 RCW, and are eligible for medical benefits as determined by the public employees' benefits board. Compensation of employees shall be determined by the commission. The provisions of RCW 43.03.050 and 43.03.060 shall apply to both the members and the employees of the commission.

**Sec.**  RCW 44.05.080 and 2018 c 301 s 10 are each amended to read as follows:

In addition to other duties prescribed by law, the commission shall:

(1) Adopt rules pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to carry out the provisions of Article II, section 43 of the state Constitution and of this chapter, which rules shall provide that three voting members of the commission constitute a quorum to do business, and that the votes of three of the voting members are required for any official action of the commission;

(2) Act as the legislature's recipient of the final redistricting data and maps from the United States Bureau of the Census;

(3) Comply with requirements to disclose and preserve public records as specified in chapters 40.14 and 42.56 RCW;

(4) Hold open meetings pursuant to the open public meetings act, chapter 42.30 RCW, and also comply with the following provisions:

(a) The commission must hold at least twelve public forums, including at least one public forum in each of the congressional districts in the state. Public forums must be held in facilities accessible to persons with disabilities.

(b) The commission shall use technology that allows for real-time virtual participation and feedback for all meetings. All audio and visual recordings of commission meetings must be maintained on the commission web site for eleven years.

(c) The commission shall provide public notice at least ten days in advance of any public forum. The notice must be posted on the commission web site and a standard press release must be published. Notice must be provided in English, Spanish, any other languages required for voting materials under the federal voting rights act of 1965, 52 U.S.C. Sec. 10503, and any languages as required in any local ordinances or executive orders for public communication materials in the congressional district in which the public forum is scheduled.

(d) Upon notice of at least twenty-four hours prior to a meeting, hearing, or public forum, the commission shall make available translation services or other accommodations for limited English-speaking individuals and individuals with disabilities. The commission must contract with an entity to provide interpreter services in person or through telephonic and video remote technologies pursuant to RCW 39.26.300 for English, Spanish, any other languages required for voting materials under the federal voting rights act of 1965, 52 U.S.C. Sec. 10503, and any languages as required in any local ordinances or executive orders for public communication materials in the congressional district in which the public forum is scheduled. Notice of requested translation services or other accommodations for limited English-speaking persons must be prominently posted on the commission's web site;

(5) Prepare and disclose its minutes pursuant to RCW 42.30.035, and promptly post publicly all agendas and minutes on the commission web site;

(6) Be subject to the provisions of RCW 42.17A.700;

(7) Solicit testimony or information about local demographics from election officials from each county and from municipalities;

(8) Prepare and publish a report with the plan; the report will be made available to the public at the time the plan is published. The report will include but will not be limited to: (a) The population and percentage deviation from the average district population for every district; (b) an explanation of the criteria used in developing the plan with a justification of any deviation in a district from the average district population; (c) a map of all the districts; and (d) the estimated cost incurred by the counties for adjusting precinct boundaries;

((~~(8)~~)) (9) Adopt a districting plan for a noncharter county with a population of four hundred thousand or more, pursuant to RCW 36.32.054;

(10) Attend training on the public records act, chapter 42.56 RCW, as required by RCW 42.56.150, and the open public meetings act, chapter 42.30 RCW, as required by RCW 42.30.205; and

(11) Provide notices of the availability of both plans and reports in English, Spanish, any other languages required for voting materials under the federal voting rights act of 1965, 52 U.S.C. Sec. 10503, and any languages as required in any local ordinances or executive orders for public communication materials in the congressional district in which the public forum is scheduled.

**Sec.**  RCW 44.05.110 and 2011 c 60 s 43 are each amended to read as follows:

(1) Following the period provided by RCW 44.05.100(1) for the commission's adoption of a plan, the commission shall take all necessary steps to conclude its business and cease operations. The commission shall prepare a financial statement disclosing all expenditures made by the commission. The official record shall contain all relevant information developed by the commission pursuant to carrying out its duties under this chapter, maps, data collected, minutes of meetings, written communications, and other information of a similar nature. Once the commission ceases to exist, the ((~~chief election officer~~)) secretary of state shall be the custodian of the official record for purposes of reprecincting and election administration. The ((~~chief election officer~~)) secretary of state shall provide for the permanent preservation of this official record pursuant to chapter 42.56 RCW and Title 40 RCW. Once the commission ceases to exist any budget surplus shall revert to the state general fund.

(2) Except as provided in RCW 44.05.120 for a reconvened commission, the commission shall cease to exist on July 1st of each year ending in two unless the supreme court extends the commission's term.

NEW SECTION. **Sec.**  A new section is added to chapter 44.05 RCW to read as follows:

(1) The commission shall create and maintain a web site. The web site must include the following information as it becomes available:

(a) Background information about the commission and its duties;

(b) Information about meetings of the commission;

(c) A searchable archive of documents produced by the commission;

(d) All public draft redistricting plans drawn by the commission or submitted by the public and the report required by RCW 44.05.080;

(e) A means for the public to submit at no cost comments and proposed plans to the commission;

(f) Minutes and video archive of all meetings of the commission; and

(g) Any other relevant materials and documents that the commission determines would promote the transparency of its work.

(2) The commission must work with the legislature to provide a link to the commission's web site on legislative web sites."

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On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 44.05.020, 44.05.030, 44.05.070, 44.05.080, and 44.05.110; adding a new section to chapter 44.05 RCW; and creating a new section."

EFFECT: (1) Removes requirement that lobbyists identify themselves as lobbyists in testimony to the Redistricting Commission.

(2) Removes provisions requiring designation of redistricting commissioners by December 1st of years ending in zero.

(3) Removes requirement that the Redistricting Commission hire staff for communications, information technology, and language access.

(4) Requires that notice of any public forum be provided at least 10 days in advance and that public forums be held in facilities accessible to persons with disabilities.

(5) Removes requirement that the Redistricting Commission make reasonable efforts to hold meetings on evenings and weekends.

(6) Requires that notice of any public forum be posted on the legislature's web site.

(7) Requires that the redistricting commission hold 12 forums, and that all public forums be held in facilities accessible to persons with disabilities.

(8) Requires that the Redistricting Commission contract to provide language translation services and provide notices in all languages required under the Voting Rights Act and applicable local regulations in the district in which a public forum is located.

(9) Requires at least 24 hours' notice of requests for reasonable accommodations for translation and disability access.

(10) Removes requirement that the Redistricting Commission publish a report before any public forums.

(11) Removes requirement that redistricting commissioners attend training in nonpartisan redistricting.

(12) Removes requirement that preliminary and reasonably final plans be released.

(13) Removes requirements that a summary of all public input, all plans discussed, data, and redistricting metrics be in the final report.

(14) Removes requirements that data used in decision making and full meeting transcripts be included on the Redistricting Commission web site, and requires links on the legislative web site.

(15) Removes requirement that redistricting commissioners voting against the final plan submit a minority report.