

**ESHB 2575** - S COMM AMD

By Committee on State Government, Tribal Relations & Elections

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that Washington has  
4 been on the cutting edge of promoting fair and effective  
5 representation by initiating reforms to the redistricting process for  
6 state legislative and congressional districts. Washington's  
7 bipartisan redistricting commission has served as a model for other  
8 states. Though the commission has been modified since it was first  
9 created, the legislature finds that it is necessary to provide timely  
10 reforms to increase trust, transparency, representation, and  
11 effectiveness of the commission, so the commission can continue to  
12 meet its legislative and constitutional directives and further  
13 advance public confidence in its work.

14 **Sec. 2.** RCW 44.05.020 and 2011 c 60 s 41 are each amended to  
15 read as follows:

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

18 (1) (~~"Chief election officer" means the secretary of state.~~  
19 ~~(2)~~) "Federal census" means the decennial census required by  
20 federal law to be prepared by the United States bureau of the census  
21 in each year ending in zero.

22 (~~(3)~~) (2) "Lobbyist" means an individual required to register  
23 with the Washington public disclosure commission pursuant to RCW  
24 42.17A.600.

25 (~~(4)~~) (3) "Plan" means a plan for legislative and congressional  
26 redistricting mandated by Article II, section 43 of the state  
27 Constitution.

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

1       **Sec. 3.** RCW 44.05.030 and 1984 c 13 s 1 are each amended to read  
2 as follows:

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

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

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

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

26       **Sec. 4.** RCW 44.05.070 and 1983 c 16 s 7 are each amended to read  
27 as follows:

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

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

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

4 (4) The legislature shall appropriate funds to enable the  
5 commission to carry out its duties. Members shall each receive (~~one~~  
6 ~~hundred dollars of compensation for each day spent in the performance~~  
7 ~~of their duties~~) a salary equivalent to the current annual salary  
8 for legislators provided by RCW 43.03.013 beginning on the date of  
9 official appointment to the commission and ending upon the deadline  
10 to complete redistricting. These positions are exempt from chapters  
11 41.06 and 41.56 RCW, and are eligible for medical benefits as  
12 determined by the public employees' benefits board. Compensation of  
13 employees shall be determined by the commission. The provisions of  
14 RCW 43.03.050 and 43.03.060 shall apply to both the members and the  
15 employees of the commission.

16 **Sec. 5.** RCW 44.05.080 and 2018 c 301 s 10 are each amended to  
17 read as follows:

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

20 (1) Adopt rules pursuant to the Administrative Procedure Act,  
21 chapter 34.05 RCW, to carry out the provisions of Article II, section  
22 43 of the state Constitution and of this chapter, which rules shall  
23 provide that three voting members of the commission constitute a  
24 quorum to do business, and that the votes of three of the voting  
25 members are required for any official action of the commission;

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

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

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

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

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

1 (c) The commission shall provide public notice at least ten days  
2 in advance of any public forum. The notice must be posted on the  
3 commission web site and a standard press release must be published.  
4 Notice must be provided in English, Spanish, any other languages  
5 required for voting materials under the federal voting rights act of  
6 1965, 52 U.S.C. Sec. 10503, and any languages as required in any  
7 local ordinances or executive orders for public communication  
8 materials in the congressional district in which the public forum is  
9 scheduled.

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

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

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

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

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

1       ~~((8))~~ (9) Adopt a districting plan for a noncharter county with  
2 a population of four hundred thousand or more, pursuant to RCW  
3 36.32.054;

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

7       (11) Provide notices of the availability of both plans and  
8 reports in English, Spanish, any other languages required for voting  
9 materials under the federal voting rights act of 1965, 52 U.S.C. Sec.  
10 10503, and any languages as required in any local ordinances or  
11 executive orders for public communication materials in the  
12 congressional district in which the public forum is scheduled.

13       **Sec. 6.** RCW 44.05.110 and 2011 c 60 s 43 are each amended to  
14 read as follows:

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

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

35       NEW SECTION.   **Sec. 7.** A new section is added to chapter 44.05  
36 RCW to read as follows:

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

- 1 (a) Background information about the commission and its duties;  
2 (b) Information about meetings of the commission;  
3 (c) A searchable archive of documents produced by the commission;  
4 (d) All public draft redistricting plans drawn by the commission  
5 or submitted by the public and the report required by RCW 44.05.080;  
6 (e) A means for the public to submit at no cost comments and  
7 proposed plans to the commission;  
8 (f) Minutes and video archive of all meetings of the commission;  
9 and  
10 (g) Any other relevant materials and documents that the  
11 commission determines would promote the transparency of its work.  
12 (2) The commission must work with the legislature to provide a  
13 link to the commission's web site on legislative web sites."

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14 On page 1, line 2 of the title, after "commission;" strike the  
15 remainder of the title and insert "amending RCW 44.05.020, 44.05.030,  
16 44.05.070, 44.05.080, and 44.05.110; adding a new section to chapter  
17 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.

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