

HOUSE BILL REPORT

ESHB 2575

As Passed House:
February 19, 2020

Title: An act relating to reforms to increase transparency and accountability of the Washington redistricting commission.

Brief Description: Concerning reforms to increase transparency and accountability of the Washington redistricting commission.

Sponsors: House Committee on State Government & Tribal Relations (originally sponsored by Representatives Pellicciotti, Ryu, Tarleton, Orwall, Dolan, J. Johnson and Pollet).

Brief History:

Committee Activity:

State Government & Tribal Relations: 1/21/20, 1/28/20 [DPS];

Appropriations: 2/10/20, 2/11/20 [DPS(GOV)].

Floor Activity:

Passed House: 2/19/20, 57-41.

Brief Summary of Engrossed Substitute Bill

- Makes changes to the administration of the Washington Redistricting Commission (Commission), including providing for the preselection of Commissioners and altering staff and salary requirements.
- Adds requirements for Commission meetings and public forums, including notice and language access requirements.
- Requires additional information and data to be provided in Commission reports.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Appleton, Dolan and Hudgins.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass. Signed by 3 members: Representatives Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Mosbrucker.

Staff: Carrington Skinner (786-7192).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp, Cody, Dolan, Fitzgibbon, Hansen, Hudgins, Kilduff, Macri, Pettigrew, Pollet, Ryu, Senn, Springer, Sullivan, Tarleton and Tharinger.

Minority Report: Do not pass. Signed by 13 members: Representatives Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Corry, Dye, Hoff, Kraft, Mosbrucker, Schmick, Steele, Sutherland and Ybarra.

Staff: Michael Hirsch (786-7157).

Background:

In the early 1980s, legislation was enacted to create a commission, later known as the Washington Redistricting Commission (Commission) that was tasked with drawing congressional and state legislative districts. Under the State Constitution, the Commission is established in January of each year ending in a one, and is composed of five members: one appointed by each of the legislative leaders of the two largest caucuses in each of the two houses, and one nonvoting chair chosen by those four appointed members. Voting members must be appointed by January 15 of each year ending in one. The chairperson must be selected by January 31.

In carrying out its duties, the Commission is permitted to employ experts, consultants, and support staff. Commissioners are entitled to \$100 in compensation for each day spent in performance of their duties.

The deadline for the Commission to approve a redistricting plan is November 15 of each year ending in one. If three members cannot agree on a plan by the deadline, the Washington Supreme Court must adopt a plan. The Legislature can amend a redistricting plan only by a two-thirds majority vote in each chamber within 30 days after the plan is submitted by the Commission.

To the extent possible, district lines in the Commission's redistricting plan must coincide with boundaries of local political subdivisions and areas recognized as "communities of interest," and must be composed of convenient, contiguous, and compact territory. The district lines must also provide fair and effective representation and encourage electoral competition. The Commission cannot draw lines that purposely favor or discriminate against any political party or group.

Along with the redistricting plan, the Commission must publish a report that includes:

- the population of each district and the percentage it deviates from the average district population, along with a justification for each deviation;
- an explanation of the criteria used in developing the plan;
- a map of all the districts; and
- the estimated cost incurred by the counties for adjusting precinct boundaries.

Summary of Engrossed Substitute Bill:

Commission Administration.

Legislative leaders of both parties in each house must designate an appointee to the Commission by December 1 of each year ending in zero. Prior to the Commission's establishment in January of each year ending in one, Commissioner-designees are permitted to attend training, hire staff, secure and set up offices, create a Commission website, and select a chairperson. The deadline for the selection of a chairperson is moved forward to January 15.

The salary of Commissioners is changed to match the current salaries of legislators, beginning on the date of official appointment to the Commission and ending November 15 of each year ending in one. Commissioners are required to attend trainings on nonpartisan redistricting, the Public Records Act, and the Open Public Meetings Act.

The Commission must employ staff to meet its needs, including positions related to communications, information technology, and language access.

Meetings and Public Forums.

The Commission is required to hold at least 10 public forums, with at least one public forum in each of the state's congressional districts. The Commission must seek input from all significant communities of interest and may hold additional public forums if it determines that it has not received input that represents the diverse demographics of the state. In addition, within 90 days of its establishment, the Commission must solicit testimony or information about local demographics from election officials.

Notice of any public forum must be provided at least 20 days in advance in all languages required for voting materials in the district under the federal Voting Rights Act. Reasonable efforts must be made to provide translation services and other accommodations for limited-English-speaking individuals at Commission meetings.

The Commission website must include information about Commission meetings and documents produced by the Commission, as well as a means for the public to submit comments and proposed plans. Technology must allow for real-time remote participation at Commission meetings.

A person who submits testimony at a Commission meeting must identify whether he or she is a lobbyist.

Reporting.

Before any public forum is held, the Commission must publish a report describing its general priorities and intentions for using redistricting criteria in its decision-making process. A

preliminary plan and reasonably final plan must be made public to allow for public review and comment.

The final report that accompanies the redistricting plan must include:

- a summary of all public input received;
- all plans discussed by the full Commission;
- a summary of the data used to create those plans;
- analyses of the maps using specified redistricting metrics;
- a written explanation if an alternative plan furthers redistricting criteria more than the final plan; and
- any other information that provides the basis on which the Commission made its decisions.

If a Commissioner votes against the redistricting plan, that Commissioner must file a dissenting report explaining his or her decision.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (State Government & Tribal Relations):

(In support) Washington has been a leader in redistricting reforms, but there is always room for improvement. The nation will look to Washington as other states grapple with the issue of gerrymandering in the coming years. The reforms in the bill create a functional system for increased transparency and public input that instills greater confidence in the redistricting process. In crafting its proposal, the League of Women Voters learned a great deal from its study on the redistricting process and from input it has received. The redistricting metrics in the bill are important to help in accounting for residents from diverse demographic backgrounds. Holding additional public forums will allow more people to become meaningfully involved in the process. Because there is a lot of mistrust of the political process, especially among immigrant and refugee communities, it is important to make efforts to increase trust in democracy. Providing language access and translation services will help get diverse community members involved and ensure their voices are heard. This bill allows for a fresh look at the redistricting process using new technologies. Increasing the Commissioners' salaries will allow more people to be able to afford to serve on the Commission. Many people do not know that the Redistricting Commission exists, so it is important to do outreach to get more citizen involvement.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) If the changes in this bill do not happen this session, the redistricting process would not be updated for another decade. Redistricting is fundamental to elections and

government processes. This is a small investment in the effectiveness of the Commission and benefits communities.

(Opposed) None.

Persons Testifying (State Government & Tribal Relations): Representative Pellicciotti, prime sponsor; Alison McCaffree, League of Women Voters of Washington; Eli Goss, OneAmerica; Kamau Chege, Washington Census Alliance; Wende Sanderson; Karen Crowley; Cindy Black, Fix Democracy First; Toyoko Tsukuda; and Noah Ramirez, Latino Community Fund.

Persons Testifying (Appropriations): Alison McCaffree, League of Women Voters of Washington.

Persons Signed In To Testify But Not Testifying (State Government & Tribal Relations): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.