

SENATE BILL REPORT

SB 5266

As Reported by Senate Committee On:
State Government, Tribal Relations & Elections, February 1, 2019

Title: An act relating to ensuring timely elections for governing body members in jurisdictions modifying districting plans under the Washington voting rights act.

Brief Description: Concerning timely elections for governing body members in jurisdictions modifying districting plans under the Washington voting rights act.

Sponsors: Senators Saldaña, Hunt, Hasegawa, McCoy, Keiser and Das.

Brief History:

Committee Activity: State Government, Tribal Relations & Elections: 1/23/19, 2/01/19 [DPS, w/oRec].

Brief Summary of First Substitute Bill

- Requires all governing body positions to be subject to election at the next general election if a jurisdiction modifies its election plan under the Washington Voting Rights Act.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5266 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Takko.

Minority Report: That it be referred without recommendation.

Signed by Senators Zeiger, Ranking Member; Bailey.

Staff: Samuel Brown (786-7470)

Background: Washington Voting Rights Act. In 2018, the Legislature passed ESSB 6002, the Washington Voting Rights Act (WVRA). A jurisdiction violates the WVRA when:

- elections exhibit polarized voting, meaning a difference of choice between voters of a protected class and other voters in the election; and

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- there is a significant risk members of a protected class do not have an equal opportunity to elect candidates of choice as a result of dilution or abridgement of their rights.

The WVRA applies to elections held within counties, cities, towns, school districts, fire protection districts, port districts, and public utility districts (political subdivisions). Cities or towns with fewer than 1000 people and school districts with fewer than 250 students may not be sued for violations of the WVRA, but may take corrective action to change election systems.

Election System Changes Under WVRA. Under the WVRA, any political subdivision may take corrective action to change its election system in order to remedy a potential violation of the WVRA, including implementation of a district-based system of electing candidates from within divisible parts of the political subdivision.

Additionally, any voter who resides in the political subdivision may notify the political subdivision of the voter's intent to challenge the subdivision's election system. If no remedy is adopted within 180 days, or, after July 1, 2021, within 90 days, any voter who resides in the political subdivision may file a lawsuit alleging a violation of the act within that political subdivision. The court may order appropriate remedies if it finds a violation of the WVRA, including requiring the political subdivision to redistrict or create a district-based election system.

Subsequent Elections Under WVRA. If the political subdivision adopts its new election plan or the court issues a final order between the date of the general election and January 15th of the following year, the new election system must be used in the next general election. If the political subdivision adopts its new election plan or the court issues a final order between January 16th and the next general election date, the new election system must be used in the general election of the following year.

Summary of Bill (First Substitute): All positions on the governing body of a jurisdiction adopting a new election plan either voluntarily or as a result of a court order filed under the WVRA must be subject to election at the subsequent general election.

Jurisdiction adopting a new election plan either voluntarily or as a result of a court order filed under the WVRA may subsequently choose to stagger the terms of governing body seats.

EFFECT OF CHANGES MADE BY STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS COMMITTEE (First Substitute): Jurisdiction adopting a new election plan either voluntarily or as a result of a court order filed under the WVRA may subsequently choose to stagger the terms of governing body seats.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill has a retroactive clause and takes effect on January 16, 2019.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: It is important not to delay implementation of remedies—why wait if we can do better? As more cities and communities take advantage of WVRA, we want to make implementation clear to make democracy more reflective of communities. I would support an amendment to make sure that terms can be staggered. This is a technical fix that clarifies timelines consistent with the legislative intent behind the WVRA.

Persons Testifying: PRO: Senator Rebecca Saldaña, Prime Sponsor; Alex Hur, OneAmerica.

Persons Signed In To Testify But Not Testifying: No one.