

FINAL BILL REPORT

SSB 5266

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Synopsis as Enacted

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

Sponsors: Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Saldaña, Hunt, Hasegawa, McCoy, Keiser and Das).

Senate Committee on State Government, Tribal Relations & Elections
House Committee on State Government & Tribal Relations

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
- 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 the Washington Voting Rights Act. 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.

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.

Subsequent Elections Under the Washington Voting Rights Act. 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: 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.

A 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.

Votes on Final Passage:

Senate	29	20	
House	60	38	(House amended)
Senate	27	19	(Senate concurred)

Effective: May 21, 2019
January 16, 2019 (retroactive clause)