

Chapter 417-06 WAC

THIRD PARTY SUBMISSIONS

WAC

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WAC 417-06-100 Purpose. The commission encourages individuals and interest groups to submit proposed redistricting plans to the commission. The purpose of this chapter is to establish methods by which such plans may be submitted to the commission.

[Statutory Authority: RCW 44.05.080(1), 91-20-006, § 417-06-100, filed 9/19/91, effective 10/20/91.]

WAC 417-06-110 Definitions. As used in this chapter:

(1) All words and phrases defined in chapter one of this title (WAC 417-01-120) and RCW 44.05.020 shall have the same meaning for the purposes of this chapter.

(2) "Commission plan" means a proposed plan of redistricting, including any amendment to a proposed plan of redistricting, that is submitted to the commission by a commissioner, or by the chair or the staff of the commission. It also means a plan of redistricting, including any amendment to a proposed plan of redistricting, that is prepared by or at the direction of one or more of the commissioners.

(3) "Formal plan" means a redistricting plan other than a commission plan that meets the requirements of WAC 417-06-130 and that covers all of the territory of the state, or that covers at least all of the territory of the state that lies to the east of, or to the west of, the crest of the Cascade range.

(4) "Partial formal plan" means a plan other than a commission plan that would qualify as a formal plan except that it covers a smaller geographical area than a formal plan.

(5) "Informal plan" means a redistricting plan other than a commission plan that does not qualify as a formal plan or a partial formal plan.

(6) "Third party amendment" means a proposal for an amendment to a commission plan or a third party plan, submitted to the commission by an individual or interest group other than the commissioners or the chair or staff of the commission. A third party amendment may be a formal plan, a partial formal plan, or an informal plan.

(7) "Third party plan" means a plan of redistricting that is a formal plan, a partial formal plan, an informal plan or a third party amendment, submitted to the commission by an individual or interest group other than the commissioners or the chair or staff of the commission.

[Statutory Authority: RCW 44.05.080(1), 01-13-123, § 417-06-110, filed 6/20/01, effective 7/9/01; 91-20-006, § 417-06-110, filed 9/19/91, effective 10/20/91.]

(7/7/11)

WAC 417-06-120 Requirements applicable to all plans. The commission is required to adhere to the constitutional and statutory requirements applicable to redistricting plans. Therefore, any plan submitted to the commission must also adhere to the requirements applicable to commission plans, in art. 2, sec. 43 of the Constitution of the state of Washington and RCW 44.05.090. Copies of these constitutional and statutory provisions shall be made available from the commission.

[Statutory Authority: RCW 44.05.080(1), 01-13-123, § 417-06-120, filed 6/20/01, effective 7/9/01; 91-20-006, § 417-06-120, filed 9/19/91, effective 10/20/91.]

WAC 417-06-130 Format for formal plans. (1) Any formal plan submitted to the commission shall be submitted in the following approved formats:

(a) Electronic submissions: Formal plan electronic submissions from individuals and groups are encouraged, and shall be made on either:

(i) CD-ROMs containing a table of equivalencies file giving the census block to district assignments as assignment files in Excel or Access; or

(ii) Text file format containing polygon identification and polygon district assignment columns; or

(iii) As district files containing a district identification number; or

(iv) As a shape file or geodatabase; or

(v) In a format approved by the U.S. Department of Justice.

(b) Paper map submissions: The commission will have available for public purchase paper maps, created using current geographic data provided by the U.S. Bureau of the Census. The maps will be sold for an amount (to be established by the executive director) sufficient to cover the cost to the commission of producing the map copies. Map scale may vary, depending on the population density in the area covered. Maps may be purchased singly or in sets. Formal plan paper map submissions from individuals and groups shall be made on the maps provided by the commission, or on full-size copies thereof. Explanations of the commission's maps, and instructions to users for submission of formal plans, shall be made available free of charge from the commission.

Materials explaining these format(s) shall be posted on the commission web site (www.redistricting.wa.gov), and made available free of charge from the commission. The commission shall post census and geographic data on the commission web site (www.redistricting.wa.gov). Such data will also be available on CD-ROM at a charge (to be established by the executive director) sufficient to cover the cost to the commission of producing CD-ROM copies of the electronic files.

Each electronic formal plan submission shall be based upon current and official Bureau of the Census geography and Public Law 94-171 file unique block identity code of

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state, county, tract, and block, and shall be accompanied by a full description of its contents, including an identification by name and/or location of each data file that is contained, a detailed record layout for each such file, a record count for each such file, and a full description of the format.

(2) Individuals and groups submitting formal plans shall supplement their paper map or electronic submissions with the following information: Name, address and telephone number of a contact person; a submission cover letter; the total number of plans submitted; a narrative explanation of the plan's compliance with the constitutional and statutory requirements identified in WAC 417-06-120; and a description of the original source materials and data used for the submission. They may also include with the formal plan such other supporting materials and data as they deem appropriate.

[Statutory Authority: RCW 44.05.080(2). 11-15-010, § 417-06-130, filed 7/7/11, effective 8/7/11. Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-06-130, filed 6/20/01, effective 7/9/01; 91-20-006, § 417-06-130, filed 9/19/91, effective 10/20/91.]

WAC 417-06-135 Format for partial formal plans.

Partial formal plans shall meet the submission format requirements for formal plans.

[Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-06-135, filed 6/20/01, effective 7/9/01.]

WAC 417-06-140 Format for informal plans. The commission requests that individuals and interest groups submitting informal plans use the paper map or electronic submission formats that are required for formal plans. The commission will accept informal plans that are submitted in non-conforming formats; however, such plans may not be capable of being tested for population data against the official census geography and Public Law 94-171 files that are incorporated in the commission's systems.

[Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-06-140, filed 6/20/01, effective 7/9/01; 91-20-006, § 417-06-140, filed 9/19/91, effective 10/20/91.]

WAC 417-06-150 Time and place of submissions.

Early submission of third party plans is encouraged. All submissions and supporting materials should be mailed or delivered to the commission's office (not to a commissioner) in Olympia, or they may be presented to commission staff at any public hearing held by the commission. Submissions may be electronically mailed to the commission's address identified in WAC 417-01-125, or made directly to the commission through any redistricting mapping tool on its web site. The date of the electronically mailed submission shall be the date the delivered materials are received by the commission. The submission envelope, cover letter and all other submission materials should be clearly marked: "Redistricting Plan Submission." The person or organization submitting the plan bears the responsibility and accepts the risk to ensure timely delivery of the plan to the commission. The commission has no responsibility to review untimely or improperly submitted plans.

[Statutory Authority: RCW 44.05.080(2). 11-15-010, § 417-06-150, filed 7/7/11, effective 8/7/11. Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-06-150, filed 6/20/01, effective 7/9/01; 91-20-006, § 417-06-150, filed 9/19/91, effective 10/20/91.]

WAC 417-06-160 Public access to third party plans.

Any third party plan submitted to the commission, together with any supporting materials or data submitted in connection therewith, will be a public document, subject to inspection and copying in compliance with the commission's rules with respect to public records (chapter 417-02 WAC).

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-06-160, filed 9/19/91, effective 10/20/91.]

WAC 417-06-170 Public rights in third party plans.

The submission of any third party plan to the commission shall be deemed for all purposes a release and waiver, and an unconditional assignment to the state, of any proprietary or ownership rights therein, and in any materials or data submitted in connection therewith. The commission, the state supreme court, and any other person or entity shall have the free and unrestricted right to make any use whatever, without any charge (except for copying charges that may be assessed by the commission in response to public records requests for plans, under WAC 417-06-160 and chapter 417-02 WAC) and free of any trademark, copyright or similar restriction, of all or any part of any such third party plan, and any such materials or data.

[Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-06-170, filed 6/20/01, effective 7/9/01; 91-20-006, § 417-06-170, filed 9/19/91, effective 10/20/91.]