

SHB 2612 - H AMD TO H AMD (H-4265.4/12) 1145  
By Representative Nealey

1 Beginning on page 5, line 23 of the amendment, strike all of  
2 section 5 and insert the following:

3 "NEW SECTION. **Sec. 5.** In any action under this chapter, the  
4 prevailing party is entitled to a recovery of costs, including an award  
5 for reasonable attorneys' fees."

EFFECT: Strikes provisions that:

(1) Allow the prevailing plaintiff to recover reasonable attorneys' fees and costs, including for work performed in ancillary proceedings;

(2) Allow prevailing defendants to recover costs only if the action is frivolous, unreasonable, or without foundation pursuant to RCW 4.84.185; and

(3) Deem the plaintiff to be the prevailing party when the political subdivision adopts a district-based election district after suit has been filed.

Replaces these provisions with a provision that allows the prevailing party to recover costs, including an award for reasonable attorneys' fees.

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