

SHB 1745 - H AMD TO H AMD (H-2238.1/15) 163
By Representative McCabe

NOT ADOPTED 3/5/2015

1 Beginning on page 1, line 3, strike all material through "RCW" on
2 page 14, line 12 and insert the following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that our
4 representative form of government requires equal and unimpeded access
5 for all citizens to participate in our electoral system and that it
6 is imperative that the right to vote is not denied or infringed upon
7 based on race, creed, color, or gender. The legislature further finds
8 that the state has made important strides to increase access for
9 voter participation. The state voting system by mail has encouraged
10 and empowered the electorate in all stages and places in life to let
11 their voices be heard. Also, technological advancements in voting
12 methods have provided access for military members serving overseas to
13 participate in state elections.

14 NEW SECTION. **Sec. 2.** The definition in this section applies
15 throughout this chapter unless the context clearly requires
16 otherwise.

17 "Political subdivision" means any county, city, town, or school
18 district, but does not include the state.

19 NEW SECTION. **Sec. 3.** (1) No voting qualification or
20 prerequisite to voting or standard, practice, or procedure shall be
21 imposed or applied by any political subdivision in a manner that
22 results in a denial or abridgement of the right of any citizen of the
23 state to vote on account of race, color, or language, as provided in
24 subsection (2) of this section.

25 (2) A violation of subsection (1) of this section is established
26 if, based on the totality of circumstances, it is shown that the
27 political processes leading to nomination or election in the
28 political subdivision are not equally open to participation by
29 members of a class of citizens protected by subsection (1) of this
30 section in that its members have less opportunity than other members
31 of the electorate to participate in the political process and to

1 elect representatives of their choice. The extent to which members of
2 a protected class have been elected to office in the political
3 subdivision is one circumstance that may be considered: Provided,
4 that nothing in this section establishes a right to have members of a
5 protected class elected in numbers equal to their proportion in the
6 population.

7 (3) Any voter who is a member of a class of citizens protected
8 under subsection (1) of this section and who resides in a political
9 subdivision where a violation of subsection (2) of this section is
10 alleged may file an action in the superior court of the county in
11 which the political subdivision is located. Upon finding a violation,
12 the court may order an appropriate remedy, in consideration of
13 relevant federal case law.

14 NEW SECTION. **Sec. 4.** (1) A political subdivision may attempt to
15 increase voter turnout by increasing the number of ballot drop boxes
16 available or increasing the availability of voter registration cards,
17 the cost of which shall be borne by the state.

18 (2) If a political subdivision has increased the number of drop
19 boxes in its jurisdiction by at least twenty-five percent, then no
20 complaint may be filed, pursuant to section 3 of this act, before at
21 least one primary and one general election has been held after the
22 installment of the additional drop boxes.

23 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act
24 constitute a new chapter in Title 29A RCW."

25 Correct the title.

EFFECT: (1) Creates a cause of action, based on language borrowed
from the federal law, for members of a protected minority group who
are denied an equal opportunity to participate in the political
process of a political subdivision;

(2) Allows appropriate judicial remedies to be made in
consideration of federal case law;

(3) Permits subdivisions to install more ballot drop boxes at the
state's expense;

(4) Prohibits an action to be filed until at least one primary
and general election has occurred after new drop boxes have been
installed; and

(5) Includes an intent section.

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