

HB 2610 - H AMD 654

By Representative Hunt, S.

ADOPTED 02/12/2016

1 Strike everything after the enacting clause and insert the
2 following:

3 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.32
4 RCW to read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "District" means a geographic land area within county
8 boundaries and designated in a county redistricting plan, as provided
9 in section 5 of this act.

10 (2) "District elections" means a candidate from each district is
11 elected in a general election by the voters of the district in which
12 the candidate resides.

13 (3) "District nominations" means a candidate from each district
14 is nominated in a primary election by the voters of the district in
15 which the candidate resides.

16 (4) "Major political party" has the same meaning as in RCW
17 29A.04.086.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.32
19 RCW to read as follows:

20 (1)(a) By January 31, 2017, any noncharter county with a
21 population of two hundred sixty-five thousand or more must establish
22 a redistricting committee, in accordance with section 4 of this act,
23 to divide the county into five commissioner districts. The five
24 commissioner districts established by the redistricting committee
25 must be designated as districts numbered one, two, three, four, and
26 five. Any districting plan adopted by the redistricting committee
27 must designate the initial terms of office for each of the five
28 county commissioner positions, as provided in RCW 36.32.030(2).

29 (b) Beginning in 2018, district elections for all county
30 commissioners of a noncharter county with a population of two hundred
31 sixty-five thousand or more must be held in accordance with any

1 districting plan adopted by a redistricting committee that is
2 established in accordance with (a) of this subsection.

3 (2) By April 30th of each year ending in one, any noncharter
4 county with a population of two hundred sixty-five thousand or more
5 must establish a redistricting committee in accordance with section 4
6 of this act. The redistricting committee must review and adjust as
7 necessary the boundaries of the county's five commissioner districts.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.32
9 RCW to read as follows:

10 (1) Upon the approval of a majority of registered voters in the
11 county, any noncharter county with a population of less than two
12 hundred sixty-five thousand may choose to hold both district
13 nominations and district elections for the office of county
14 commissioner. Each commissioner must reside in a separate
15 commissioner district and be nominated and elected by the voters of
16 the district in which he or she resides.

17 (2)(a) Upon a petition of county voters equal to at least ten
18 percent of the voters voting at the last county general election, a
19 ballot proposition must be submitted to the voters of the county
20 authorizing district nominations and district elections for the
21 office of county commissioner. At least twenty percent of the
22 signatures on the petition must come from each of the existing
23 commissioner districts.

24 (b) A petition requesting district nominations and district
25 elections of county commissioners must be submitted to the county
26 auditor for verification of signatures. Within thirty days after
27 submission of the petition, the auditor must determine and certify
28 whether the petition contains the requisite number of valid
29 signatures, and then forward the petition to the board of county
30 commissioners. If the petition has been signed by the requisite
31 number of county voters, the board of county commissioners must
32 submit the proposition to the voters for their approval or rejection
33 at the next general election held at least sixty days after the
34 proposition has been certified by the auditor.

35 (3) Within fifteen days after a proposition submitted to county
36 voters under this section is approved, the county must establish a
37 redistricting committee in accordance with section 4 of this act. The
38 redistricting committee shall divide the county into three or five
39 commissioner districts, depending on whether the county has three or

1 five commissioner positions. Beginning in the even-numbered year
2 following the adoption of a redistricting plan by the committee,
3 nominations and elections of county commissioners must be held in
4 accordance with the adopted districting plan.

5 (4) By April 30th of each year ending in one, any noncharter
6 county with a population of less than two hundred sixty-five thousand
7 that has chosen to hold district nominations and district elections
8 for the office of county commissioner must establish a redistricting
9 committee in accordance with section 4 of this act. The redistricting
10 committee must review and adjust as necessary the boundaries of the
11 county's commissioner districts.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.32
13 RCW to read as follows:

14 (1) County redistricting committees established under this
15 chapter must have five members appointed in accordance with this
16 subsection. The two major political parties in the county shall each
17 appoint two members to the committee. A fifth member must be
18 appointed to the redistricting committee by an affirmative vote of at
19 least three of the four committee members appointed by political
20 parties. The fifth appointed member shall serve as chair of the
21 redistricting committee.

22 (2) A vacancy on a redistricting committee must be filled in the
23 same manner as the initial appointment within fifteen days after the
24 vacancy occurs.

25 (3) No person may serve on a redistricting committee who:

26 (a) Is not a registered voter of the state at the time of
27 appointment;

28 (b) Is not a resident of the county;

29 (c) Is or within one year before appointment was a consultant for
30 or had a contract with the county, or had been hired to lobby the
31 county commission; or

32 (d) Is or within two years before appointment was an elected
33 official or elected legislative, county, or state party officer.

34 (4) Members of a redistricting committee may not:

35 (a) Campaign for elective office while a member of the committee;

36 (b) Actively participate in or contribute to any political
37 campaign of any candidate for county, state, or federal elective
38 office while a member of the committee; or

1 (c) Hold or campaign for a seat as a county commissioner for two
2 years after the date the redistricting committee concludes its duties
3 under this chapter.

4 (5) Before serving on a county redistricting committee, every
5 person must take and subscribe an oath to faithfully perform the
6 duties of the office.

7 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.32
8 RCW to read as follows:

9 (1) Within thirty days after a redistricting committee is
10 established under this chapter, the committee must appoint by an
11 affirmative vote of at least four of its five members a districting
12 master. The districting master must be qualified by education,
13 training, and experience to draw a districting plan for the county.
14 The districting master is not required to be a county resident. If a
15 redistricting committee does not appoint a districting master within
16 thirty days, the county auditor must appoint a districting master
17 within the next thirty days.

18 (2) No more than forty-five days after the appointment of a
19 districting master to a redistricting committee, the districting
20 master must prepare and submit to the redistricting committee a
21 proposed districting plan dividing the county into three or five
22 commissioner districts, depending on whether the county has three or
23 five commissioner positions.

24 (a) Within five days after the districting plan is submitted, the
25 redistricting committee must publish the draft plan and provide an
26 opportunity for public comment.

27 (b) Within ten days of publishing the draft plan, the
28 redistricting committee:

29 (i) Must hold at least one public hearing and accept public
30 comments on the plan; and

31 (ii) May adopt the districting plan; or

32 (iii) May, by an affirmative vote of at least four of the five
33 committee members, adopt an amended districting plan.

34 (c) If the redistricting committee does not approve and adopt the
35 original or an amended districting plan within fifteen days after it
36 is submitted by the districting master, the districting plan as
37 submitted must be deemed approved and adopted.

1 (d) The redistricting committee must promptly file the adopted
2 districting plan with the county auditor. The districting plan is
3 effective upon filing.

4 (e) County commissioner elections pursuant to the districting
5 plan filed with the county auditor must begin in the next even-
6 numbered year.

7 (3) Each commissioner district established by a redistricting
8 committee under this section must comprise as nearly as possible
9 either one-third or one-fifth of the population of the county,
10 depending on whether the county has three or five commissioner
11 positions. The boundaries of commissioner districts must:

12 (a) Correspond as nearly as practicable to election precinct
13 boundaries; and

14 (b) Create districts with compact, contiguous territory
15 containing geographic units, natural communities, and approximately
16 equal populations.

17 (4) Upon filing of the adopted districting plan with the county
18 auditor, the redistricting committee is dissolved until such time as
19 a new redistricting committee is established as provided in sections
20 2 and 3 of this act and RCW 36.32.0552.

21 **Sec. 6.** RCW 36.32.030 and 2015 c 53 s 63 are each amended to
22 read as follows:

23 (1) Except as provided otherwise in subsection (2) of this
24 section or RCW 36.32.0554, the terms of office of county
25 commissioners shall be four years and shall extend until their
26 successors are elected and qualified and assume office in accordance
27 with RCW 29A.60.280(~~(: PROVIDED, That)~~). The terms of office of
28 county commissioners shall be staggered so that:

29 (a) In a county with a three-member board of county
30 commissioners, either one or two commissioners are elected at a
31 general election held in ((a#)) each even-numbered year; or

32 (b) In a county with a five-member board of county commissioners,
33 either two or three commissioners are elected at a general election
34 held in each even-numbered year.

35 (2)(a) Until January 1, 2019, the term of any county commissioner
36 in a noncharter county with a population of two hundred sixty-five
37 thousand or more elected to office after January 1, 2016, expires on
38 January 1, 2019.

1 (b) At a general election held in 2018, any noncharter county
2 with a population of two hundred sixty-five thousand or more must
3 elect five county commissioners in accordance with a districting plan
4 adopted under section 5 of this act. The five county commissioners
5 shall begin their terms of office on January 1, 2019, and as
6 designated in the districting plan: Two of the county commissioners
7 shall serve terms of two years, and three of the county commissioners
8 shall serve terms of four years. The districts in which commissioners
9 will serve initial terms of two years and the districts in which
10 commissioners will serve initial terms of four years must be
11 identified in the adopted districting plan. All successive county
12 commissioners elected to office shall serve staggered terms of four
13 years, with either two or three commissioners elected in each even-
14 numbered year.

15 **Sec. 7.** RCW 36.32.050 and 2009 c 549 s 4063 are each amended to
16 read as follows:

17 (1) Except as provided otherwise in subsection (2) of this
18 section or this chapter, county commissioners shall be elected by the
19 qualified voters of the county and the person receiving the highest
20 number of votes for the office of commissioner for the district in
21 which he or she resides shall be declared duly elected from that
22 district.

23 (2) In any noncharter county with a population of two hundred
24 sixty-five thousand or more, or in any county that has approved a
25 proposition to hold district nominations and district elections under
26 section 3 of this act, county commissioners must be elected by the
27 qualified electors of the commissioner district in which he or she
28 resides. The person receiving the highest number of votes at a
29 general election for the office of commissioner for the district in
30 which he or she resides must be declared duly elected from that
31 district.

32 **Sec. 8.** RCW 36.32.020 and 1982 c 226 s 4 are each amended to
33 read as follows:

34 (1) Except as provided otherwise in subsection (2) of this
35 section or this chapter, the board of county commissioners of each
36 county shall divide their county into three commissioner districts
37 ((so that each district shall comprise)), each comprising as nearly
38 as possible one-third of the population of the county(~~:- PROVIDED,~~

1 ~~That the~~). Territory comprised in any voting precincts of such
2 districts ~~((shall))~~ must remain compact, and ~~((shall))~~ may not be
3 divided by the lines of said districts.

4 ~~((However,))~~ (2) The commissioners of any county composed
5 entirely of islands and with a population of less than thirty-five
6 thousand may divide their county into three commissioner districts
7 without regard to population, except that if any single island is
8 included in more than one district, the districts on such island
9 ~~((shall))~~ must comprise, as nearly as possible, equal populations.

10 (3) The lines of ~~((the))~~ commissioner districts ~~((shall))~~
11 established in accordance with this section may not be changed
12 ~~((oftener))~~ more often than once in four years and only when a full
13 board of commissioners is present. The districts ~~((shall))~~ must be
14 designated as districts numbered one, two and three.

15 **Sec. 9.** RCW 36.32.010 and 1990 c 252 s 1 are each amended to
16 read as follows:

17 There is established in each county in this state a board of
18 county commissioners. Except as provided ~~((in RCW 36.32.055 and~~
19 ~~36.32.0552))~~ otherwise in this chapter, each board of county
20 commissioners shall consist of three qualified electors, two of whom
21 shall constitute a quorum to do business.

22 **Sec. 10.** RCW 36.32.055 and 1990 c 252 s 2 are each amended to
23 read as follows:

24 (1) The board of commissioners of any noncharter county with a
25 population of ~~((three hundred))~~ less than two hundred sixty-five
26 thousand ~~((or more))~~ may cause a ballot proposition to be submitted
27 at a general election to the voters of the county authorizing the
28 board of commissioners to be increased to five members.

29 (2) As an alternative procedure, a ballot proposition shall be
30 submitted to the voters of ~~((a noncharter))~~ the county authorizing
31 the board of commissioners to be increased to five members, upon
32 petition of the county voters equal to at least ten percent of the
33 voters voting at the last county general election. At least twenty
34 percent of the signatures on the petition shall come from each of the
35 existing commissioner districts.

36 (3) Any petition requesting that such an election be held shall
37 be submitted to the county auditor for verification of the signatures
38 thereon. Within no more than thirty days after the submission of the

1 petition, the auditor shall determine if the petition contains the
2 requisite number of valid signatures. The auditor shall certify
3 whether or not the petition has been signed by the requisite number
4 of county voters and forward such petition to the board of county
5 commissioners. If the petition has been signed by the requisite
6 number of county voters, the board of county commissioners shall
7 submit such a proposition to the voters for their approval or
8 rejection at the next general election held at least sixty days after
9 the proposition has been certified by the auditor.

10 **Sec. 11.** RCW 36.32.0552 and 1990 c 252 s 3 are each amended to
11 read as follows:

12 (1) If ((the)) a ballot proposition submitted to the voters of a
13 noncharter county with a population of less than two hundred sixty-
14 five thousand, as provided in RCW 36.32.055, receives majority voter
15 approval, the size of the board of county commissioners shall be
16 increased to five members as provided in this section.

17 (2) The two newly created county commissioner positions shall be
18 filled at elections to be held in the next even-numbered year.

19 (3)(a) Within fifteen days after a proposition submitted to
20 county voters under this section is certified as approved, the county
21 shall(~~(, as provided in this section, be divided))~~ establish a
22 redistricting committee, in accordance with section 4 of this act, to
23 divide the county into five commissioner districts, so that each
24 district shall comprise as nearly as possible one-fifth of the
25 population of the county. (~~No two members of the existing board of~~
26 county commissioners may, at the time of the designation of such
27 districts, permanently reside in one of the five districts. The
28 division of the county into five districts shall be accomplished as
29 follows:

30 (1) The board of county commissioners shall, by the second Monday
31 of March of the year following the election, adopt a resolution
32 creating the districts;

33 (2) If by the second Tuesday of March of the year following the
34 election the board of county commissioners has failed to create the
35 districts, the prosecuting attorney of the county shall petition the
36 superior court of the county to appoint a referee to designate the
37 five commissioner districts. The referee shall designate such
38 districts by no later than June 1st of the year following the
39 election. The two commissioner districts within which no existing

1 ~~member of the board of county commissioners permanently resides shall~~
2 ~~be designated as districts four and five.))~~

3 (b) By April 30th of each year ending in one, the county must
4 establish a redistricting committee in accordance with section 4 of
5 this act. The redistricting committee must review and adjust as
6 necessary the boundaries of the county's five commissioner districts.

7 **Sec. 12.** RCW 36.32.0556 and 1990 c 252 s 5 are each amended to
8 read as follows:

9 ~~((The commissioners in a five member board of county~~
10 ~~commissioners shall be elected to four year staggered terms. Each~~
11 ~~commissioner shall reside in a separate commissioner district. Each~~
12 ~~commissioner shall be nominated from a separate commissioner district~~
13 ~~by the voters of that district. Each shall be elected by the voters~~
14 ~~of the entire county.)) Three members of a five-member board of~~
15 ~~commissioners shall constitute a quorum to do business.~~

16 **Sec. 13.** RCW 29A.76.010 and 2011 c 349 s 26 are each amended to
17 read as follows:

18 (1) It is the responsibility of each county, municipal
19 corporation, and special purpose district with a governing body
20 comprised of internal director, council, or commissioner districts
21 not based on statutorily required land ownership criteria to
22 periodically redistrict its governmental unit, based on population
23 information from the most recent federal decennial census.

24 (2) Within forty-five days after receipt of federal decennial
25 census information applicable to a specific local area, the
26 commission established in RCW 44.05.030 shall forward the census
27 information to each municipal corporation, county, and district
28 charged with redistricting under this section.

29 (3) Except as otherwise provided in chapter . . . , Laws of 2016
30 (this act), no later than eight months after its receipt of federal
31 decennial census data, the governing body of the municipal
32 corporation, county, or district shall prepare a plan for
33 redistricting its internal or director districts.

34 (4) The plan shall be consistent with the following criteria:

35 (a) Each internal director, council, or commissioner district
36 shall be as nearly equal in population as possible to each and every
37 other such district comprising the municipal corporation, county, or
38 special purpose district.

1 (b) Each district shall be as compact as possible.

2 (c) Each district shall consist of geographically contiguous
3 area.

4 (d) Population data may not be used for purposes of favoring or
5 disfavoring any racial group or political party.

6 (e) To the extent feasible and if not inconsistent with the basic
7 enabling legislation for the municipal corporation, county, or
8 district, the district boundaries shall coincide with existing
9 recognized natural boundaries and shall, to the extent possible,
10 preserve existing communities of related and mutual interest.

11 (5) During the adoption of its plan, the municipal corporation,
12 county, or district shall ensure that full and reasonable public
13 notice of its actions is provided. (~~The municipal corporation,
14 county, or district shall hold at least one public hearing on the
15 redistricting plan at least one week before adoption of the plan~~)
16 Before adopting the plan, the municipal corporation, county, or
17 district must publish the draft plan and, within ten days, hold at
18 least one public hearing on the draft plan.

19 (6)(a) Any registered voter residing in an area affected by the
20 redistricting plan may request review of the adopted local plan by
21 the superior court of the county in which he or she resides, within
22 fifteen days of the plan's adoption. Any request for review must
23 specify the reason or reasons alleged why the local plan is not
24 consistent with the applicable redistricting criteria. The municipal
25 corporation, county, or district may be joined as respondent. The
26 superior court shall thereupon review the challenged plan for
27 compliance with the applicable redistricting criteria set out in
28 subsection (4) of this section.

29 (b) If the superior court finds the plan to be consistent with
30 the requirements of this section, the plan shall take effect
31 immediately.

32 (c) If the superior court determines the plan does not meet the
33 requirements of this section, in whole or in part, it shall remand
34 the plan for further or corrective action within a specified and
35 reasonable time period.

36 (d) If the superior court finds that any request for review is
37 frivolous or has been filed solely for purposes of harassment or
38 delay, it may impose appropriate sanctions on the party requesting

1 review, including payment of attorneys' fees and costs to the
2 respondent municipal corporation, county, or district."

3 Correct the title.

EFFECT: The striking amendment makes the following changes to the underlying bill:

(1) Adds definitions for "district," "district elections," "district nominations," and "major political party."

(2) Requires a noncharter county of 265,000 or more people to divide the county into five commissioner districts and hold district-based elections for county commissioners.

(3) Allows a county with less than 265,000 people to hold district-based elections for county commissioners and to increase the board of commissioners from three to five members, subject to voter approval.

(4) Changes the date of the redistricting committee convened every ten years from January 31 to April 30 in each year ending in one.

(5) Changes the time frame within which an initial redistricting committee must be convened from within 90 days of approval of a proposition for redistricting to within 15 days of the certification of election results approving the proposition for redistricting.

(6) Clarifies that the districting master is not required to be a county resident.

(7) Replaces the prohibition for a member of the districting committee to be a registered lobbyist with a prohibition that the member not be a consultant or contractor with the county, or a lobbyist hired to lobby the county commission.

(8) Changes the time within which the districting master must produce and submit to the committee a draft districting plan from 60 days to 45 days after his or her appointment.

(9) Adds a requirement for the redistricting committee to publish the draft plan and provide an opportunity for public comment, including holding at least one public hearing within 10 days of publishing the draft plan.

(10) Dissolves the redistricting committee upon submission of the adopted districting plan to the county auditor.

(11) Clarifies that districts in which commissioners will serve initial terms of two and four years must be identified in the adopted districting plan.

(12) Reconciles deadlines for the preparation of the districting plan and public hearing with redistricting deadlines in elections law.

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