
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1745

State of Washington

64th Legislature

2016 Regular Session

By House State Government (originally sponsored by Representatives Moscoso, Bergquist, S. Hunt, Haler, Orwall, Sawyer, Stanford, Walkinshaw, Appleton, Reykdal, Fitzgibbon, Tharinger, Fey, Jinkins, Wylie, Goodman, Ormsby, Farrell, Riccelli, Sells, Hudgins, Lytton, McBride, and Santos)

READ FIRST TIME 01/25/16.

1 AN ACT Relating to establishing a voting rights act to promote
2 equal voting opportunity in certain political subdivisions by
3 authorizing district-based elections, requiring redistricting and new
4 elections in certain circumstances, and establishing a cause of
5 action to redress lack of voter opportunity; amending RCW 36.32.020,
6 53.12.010, 54.12.010, and 29A.76.010; adding a new section to chapter
7 28A.343 RCW; adding a new section to chapter 35.21 RCW; adding a new
8 section to chapter 35A.21 RCW; adding a new section to chapter 52.14
9 RCW; and adding a new chapter to Title 29A RCW.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11 NEW SECTION. **Sec. 1.** This act may be known and cited as the
12 Washington voting rights act of 2016.

13 NEW SECTION. **Sec. 2.** It is the intent of the legislature to
14 create and encourage the use of a flexible and collaborative process
15 between political subdivisions and individuals concerned with
16 electoral fairness, in order to remedy potential electoral issues
17 defined in this act without resorting to expensive litigation. The
18 legislature intends that in order to avoid litigation: (1) Political
19 subdivisions review their electoral systems and consider voluntarily
20 changing them to address electoral issues; (2) political subdivisions

1 voluntarily adopt electoral changes proposed by individuals concerned
2 with electoral fairness to address electoral issues; or (3) political
3 subdivisions and individuals concerned with electoral fairness
4 collaborate to define and agree upon electoral changes to address
5 electoral issues that are then voluntarily adopted by political
6 subdivisions. The legislature intends that political subdivisions and
7 individuals concerned with electoral fairness consider all of the
8 foregoing courses of action prior to any litigation being filed, and
9 that any political subdivision adopting any one of the foregoing
10 courses of action in accordance with the provisions of this act,
11 receive four years of safe harbor from litigation.

12 NEW SECTION. **Sec. 3.** The definitions in this section apply
13 throughout this chapter unless the context clearly requires
14 otherwise. In applying these definitions and other terms in this
15 chapter, courts may rely on relevant federal case law for guidance.

16 (1) "Alternative proportional voting method" means any at-large
17 election that includes one of the following methods of voting for
18 multiple members of the governing body of a political subdivision:

19 (a) Limiting the number of votes a voter is entitled to cast to
20 fewer than there are positions to elect;

21 (b) Cumulating the number of votes a voter is entitled to cast
22 for each position, and allowing the voter to cast the total number of
23 votes in favor of a single candidate or to distribute the total
24 number of votes among multiple candidates; or

25 (c) Voting in a single transferable vote where voters rank each
26 candidate in order of preference, with their vote counting towards
27 the highest ranked candidate, and preferences allocated among other
28 candidates who are not elected on first place votes.

29 (2) "At-large election" means any of the following methods of
30 electing members of the governing body of a political subdivision:

31 (a) One in which the voters of the entire jurisdiction elect the
32 members to the governing body;

33 (b) One in which the candidates are required to reside within
34 given areas of the jurisdiction and the voters of the entire
35 jurisdiction elect the members to the governing body; or

36 (c) One that combines the criteria in (a) and (b) of this
37 subsection.

38 (3) "District-based elections" means a method of electing members
39 to the governing body of a political subdivision in which the

1 candidate must reside within an election district that is a divisible
2 part of the political subdivision and is elected only by voters
3 residing within that election district.

4 (4) "Polarized voting" means voting in which there is a
5 difference in the choice of candidates or other electoral choices
6 that are preferred by voters in a protected class, and in the choice
7 of candidates and electoral choices that are preferred by voters in
8 the rest of the electorate.

9 (5) "Political subdivision" means any county, city, town, school
10 district, fire protection district, port district, or public utility
11 district, but does not include the state.

12 (6) "Protected class" means a class of voters who are members of
13 a race, color, or language minority group.

14 NEW SECTION. **Sec. 4.** (1) A political subdivision is in
15 violation of this section when it is shown that:

16 (a) Elections in the political subdivision exhibit polarized
17 voting; and

18 (b) Members of a protected class do not have an equal opportunity
19 to elect candidates of their choice or an equal opportunity to
20 influence the outcome of an election.

21 (2) The fact that members of a protected class are not
22 geographically compact or concentrated to constitute a majority in a
23 proposed or existing district-based election district shall not
24 preclude a finding of a violation under this section.

25 (3) In determining whether there is polarized voting under this
26 section, the court shall analyze elections of the governing body of
27 the political subdivision, ballot measure elections, elections in
28 which at least one candidate is a member of a protected class, and
29 other electoral choices that affect the rights and privileges of
30 members of a protected class. Only elections conducted prior to the
31 filing of an action pursuant to this chapter shall be used to
32 establish or rebut the existence of polarized voting.

33 (4) The election of candidates who are members of a protected
34 class and who were elected prior to the filing of an action pursuant
35 to this chapter shall not preclude a finding of polarized voting that
36 results in an unequal opportunity for a protected class to elect
37 candidates of their choice or influence the outcome of an election.

1 NEW SECTION. **Sec. 5.** (1) Members of different protected classes
2 may file an action jointly pursuant to this chapter if they
3 demonstrate that their combined voting preferences as a group are
4 different from the rest of the electorate and demonstrate that there
5 is polarized voting that results in an unequal opportunity for these
6 protected classes to elect candidates of their choice or influence
7 the outcome of an election.

8 (2) In an action filed pursuant to this section, the trial court
9 shall set a trial to be held no later than one year after the filing
10 of a complaint, and shall set a discovery and motions calendar
11 accordingly.

12 (3) Proof of intent on the part of the voters or elected
13 officials to discriminate against a protected class is not required
14 for a cause of action to be sustained.

15 (4) For purposes of any applicable statute of limitations, a
16 cause of action under this section arises every time there is an
17 election pursuant to an at-large election or a district-based
18 election.

19 (5) The plaintiff's constitutional right to the secrecy of the
20 plaintiff's vote is preserved and is not waived by the filing of an
21 action pursuant to this section, and is not subject to discovery or
22 disclosure.

23 (6) In seeking a temporary restraining order or a preliminary
24 injunction, a plaintiff shall not be required to post a bond or any
25 other security in order to secure such equitable relief.

26 (7) No action may be filed pursuant to this act before January
27 15, 2017.

28 NEW SECTION. **Sec. 6.** (1) A political subdivision that conducts
29 an election pursuant to state, county, or local law, is authorized to
30 change its electoral system including, but not limited to,
31 implementing a district-based election system or an alternative
32 proportional voting method to remedy a potential violation of section
33 4 of this act. If a political subdivision invokes its authority under
34 this section to implement a district-based election system, the
35 districts shall be drawn in a manner consistent with section 7 of
36 this act.

37 (2) If a political subdivision implements a district-based
38 election system, the plan shall be consistent with the following
39 criteria:

1 (a) Each district shall be as reasonably equal in population as
2 possible to each and every other such district comprising the
3 political subdivision.

4 (b) Each district shall be reasonably compact.

5 (c) Each district shall consist of geographically contiguous
6 area.

7 (d) To the extent feasible, the district boundaries shall
8 coincide with existing recognized natural boundaries and shall, to
9 the extent possible, preserve existing communities of related and
10 mutual interest.

11 (e) District boundaries may not be drawn or maintained in a
12 manner that denies a protected class an equal opportunity to elect
13 candidates of its choice or an equal opportunity to influence the
14 outcome of an election.

15 (3) During the adoption of its plan, the political subdivision
16 shall ensure that full and reasonable public notice of its actions is
17 provided. The political subdivision shall hold at least one public
18 hearing on the redistricting plan at least one week before adoption
19 of the plan.

20 (4)(a) If the political subdivision invokes its authority under
21 this section and the plan is adopted during the period of time
22 between the first Tuesday after the first Monday of November and on
23 or before January 15th of the following year, the political
24 subdivision shall order new elections to occur at the next succeeding
25 general election.

26 (b) If the political subdivision invokes its authority under this
27 section and the plan is adopted during the period of time between
28 January 16th and on or before the first Monday of November, the next
29 election will occur as scheduled and organized under the current
30 electoral system, but the political subdivision shall order new
31 elections to occur pursuant to the remedy at the general election the
32 following calendar year.

33 (c) All of the positions that were elected pursuant to the
34 previous electoral system and have at least two years remaining in
35 their terms of office from the date the plan was adopted shall be
36 subject to new elections, pursuant to the adopted plan, in order to
37 continue their term of office.

38 (5) Within forty-five days after receipt of federal decennial
39 census information applicable to a specific local area, the
40 commission established in RCW 44.05.030 shall forward the census

1 information to each political subdivision that has invoked its
2 authority under this section to implement a district-based election
3 system, or that is charged with redistricting under section 7 of this
4 act.

5 (6) No later than eight months after its receipt of federal
6 decennial census data, the governing body of the political
7 subdivision that had previously invoked its authority under this
8 section to implement a district-based election system, or that was
9 previously charged with redistricting under section 7 of this act,
10 shall prepare a plan for redistricting its districts, pursuant to RCW
11 29A.76.010, and in a manner consistent with this act.

12 (7) A political subdivision may eliminate the staggered terms of
13 any position in order to implement an alternative proportional voting
14 method.

15 NEW SECTION. **Sec. 7.** (1) Upon a finding of a violation of
16 section 4 of this act, the court shall order appropriate remedies
17 that are tailored to remedy the violation. The remedies may include,
18 but are not limited to, the imposition of a district-based election
19 system or an alternative proportional voting method. The court may
20 order the affected jurisdiction to draw or redraw district boundaries
21 or appoint an individual or panel to draw or redraw district lines.
22 The proposed districts must be approved by the court prior to their
23 implementation.

24 (2) Implementation of a district-based remedy is not precluded by
25 the fact that members of a protected class do not constitute a
26 numerical majority within a proposed district-based election
27 district. If, in tailoring a remedy, the court orders the
28 implementation of a district-based election district where the
29 members of the protected class are not a numerical majority, the
30 court shall do so in a manner that provides the protected class an
31 equal opportunity to elect candidates of their choice or an equal
32 opportunity to influence the outcome of an election.

33 (3) In tailoring a remedy after a finding of a violation of
34 section 4 of this act:

35 (a) If the court's order providing a remedy or approving proposed
36 districts, whichever is later, is issued during the period of time
37 between the first Tuesday after the first Monday of November and on
38 or before January 15th of the following year, the court shall order
39 new elections, conducted pursuant to the remedy, to occur at the next

1 succeeding general election. If a special filing period is required,
2 filings for that office shall be reopened for a period of three
3 business days, such three-day period to be fixed by the filing
4 officer.

5 (b) If the court's order providing a remedy or approving proposed
6 districts, whichever is later, is issued during the period of time
7 between January 16th and on or before the first Monday of November,
8 the next election will occur as scheduled and organized under the
9 current electoral system, but the court shall order new elections to
10 occur pursuant to the remedy at the general election the following
11 calendar year.

12 (c) All of the positions that were elected pursuant to the at-
13 large or district-based election system that was the subject of the
14 action filed pursuant to this chapter and have at least two years
15 remaining in their terms of office from the date the plan was
16 adopted, including those elected pursuant to (b) of this subsection,
17 shall be subject to new elections, pursuant to the remedy implemented
18 under subsection (1) of this section.

19 (d) The remedy may provide for a political subdivision to
20 eliminate the staggered terms of any position in order to implement
21 an alternative proportional voting method.

22 NEW SECTION. **Sec. 8.** (1) In any action to enforce this chapter,
23 the court may allow the prevailing plaintiff or plaintiffs, other
24 than the state or political subdivision thereof, reasonable
25 attorneys' fees, all nonattorney fee costs as defined by RCW
26 4.84.010, and all reasonable expert witness fees. No fees or costs
27 may be awarded if no action is filed.

28 (2) Prevailing defendants may recover an award of fees or costs
29 pursuant to RCW 4.84.185.

30 NEW SECTION. **Sec. 9.** Any voter who is a member of a protected
31 class and who resides in a political subdivision where a violation of
32 section 4 of this act is alleged may file an action in the superior
33 court of the county in which the political subdivision is located. If
34 the action is against a county, the action may be filed in the
35 superior court of such county, or in the superior court of either of
36 the two nearest judicial districts as determined pursuant to RCW
37 36.01.050(2). An action filed pursuant to this chapter does not need
38 to be filed as a class action.

1 NEW SECTION. **Sec. 10.** (1) Prior to filing an action pursuant to
2 this act, a person shall first notify the political subdivision that
3 he or she intends to challenge the political subdivision's electoral
4 system under this act. If the political subdivision does not invoke
5 its authority under section 6 of this act to implement the person's
6 proposed remedy within one hundred eighty days after receiving
7 notice, any person may file an action under this act.

8 (2) The notice provided shall identify the person or persons who
9 intend to file an action, and the protected class or classes whose
10 members do not have an equal opportunity to elect candidates of their
11 choice or an equal opportunity to influence the outcome of an
12 election. The notice shall also include a reasonable analysis of the
13 person's data concerning the alleged vote dilution and polarized
14 voting, and a proposed remedy or remedies, based on that data, which
15 would address the alleged violation of section 4 of this act.

16 (3) If, within one hundred eighty days after receiving a person's
17 notice, a political subdivision receives another notice containing a
18 materially different proposed remedy than the first notice, the
19 political subdivision shall have an additional ninety days from the
20 date of this subsequent notice before an action may be filed under
21 this act.

22 (4) The political subdivision shall work in good faith with the
23 person providing the notice to implement a remedy that provides the
24 protected class or classes identified in the notice an equal
25 opportunity to elect candidates of their choice or influence the
26 outcome of an election.

27 (5) If, after considering the person's notice, the political
28 subdivision adopts the proposed remedy offered by the person in the
29 notice, an action under this act by any person may not be brought
30 against that political subdivision for four years; provided, however,
31 that the political subdivision does not enact a change to or
32 deviation from the remedy during this four-year period that would
33 otherwise give rise to an action under this act. In agreeing to adopt
34 the person's proposed remedy, the political subdivision may do so by
35 stipulation, which shall become a public document.

36 (6) Should the political subdivision adopt a different remedy
37 that takes the notice into account, the political subdivision may
38 seek a court order acknowledging that the political subdivision's
39 remedy complies with section 4 of this act. The person who submitted
40 the notice may support or oppose such an order. If the court

1 concludes that the political subdivision's remedy complies with
2 section 4 of this act, an action under this act by any party may not
3 be brought against that political subdivision for four years;
4 provided, however, that the political subdivision does not enact a
5 change to or deviation from the remedy during this four-year period
6 that would otherwise give rise to an action under this act.

7 (7) If a political subdivision has received two or more notices
8 containing materially different proposed remedies, the political
9 subdivision shall work in good faith with the persons to implement a
10 remedy that provides the protected class or classes identified in the
11 notices an equal opportunity to elect candidates of their choice or
12 influence the outcome of an election. Should the political
13 subdivision adopt one of the remedies offered, or a different remedy
14 that takes multiple notices into account, the political subdivision
15 may seek a court order acknowledging that the political subdivision's
16 remedy complies with section 4 of this act. The persons who submitted
17 notices may support or oppose such an order. If the court concludes
18 that the political subdivision's remedy complies with section 4 of
19 this act, an action under this act by any party may not be brought
20 against that political subdivision for four years; provided, however,
21 that the political subdivision does not enact a change to or
22 deviation from the remedy during this four-year period that would
23 otherwise give rise to an action under this act.

24 NEW SECTION. **Sec. 11.** If, after an action is filed, the
25 political subdivision adopts the person's proposed remedy, or a
26 court-ordered remedy, an action under this act by any party may not
27 be brought against that political subdivision for four years;
28 provided, however, that the political subdivision does not enact a
29 change to or deviation from the remedy during this four-year period
30 that would otherwise give rise to an action under this act.

31 NEW SECTION. **Sec. 12.** The provisions of this act are not
32 applicable to cities and towns with populations under one thousand or
33 to school districts with K-12 full-time equivalent enrollments of
34 less than two hundred fifty.

35 NEW SECTION. **Sec. 13.** A new section is added to chapter 28A.343
36 RCW to read as follows:

1 The school board of directors may authorize a change to a
2 district-based election system or an alternative proportional voting
3 method as defined in section 3 of this act, such districts to be
4 drawn in a manner consistent with sections 6 and 7 of this act. The
5 school board of directors shall order new elections to be scheduled
6 pursuant to section 6(4) of this act. The staggering of directors'
7 terms shall be accomplished as provided in RCW 28A.343.030 and
8 28A.343.620 through 28A.343.650.

9 **Sec. 14.** RCW 36.32.020 and 1982 c 226 s 4 are each amended to
10 read as follows:

11 The board of county commissioners of each county shall divide
12 their county into three commissioner districts so that each district
13 shall comprise as nearly as possible one-third of the population of
14 the county: PROVIDED, That the territory comprised in any voting
15 precincts of such districts shall remain compact, and shall not be
16 divided by the lines of said districts.

17 However, the commissioners of any county composed entirely of
18 islands and with a population of less than thirty-five thousand may
19 divide their county into three commissioner districts without regard
20 to population, except that if any single island is included in more
21 than one district, the districts on such island shall comprise, as
22 nearly as possible, equal populations.

23 Except where necessary to comply with a court order issued
24 pursuant to sections 4 and 7 of this act, the lines of the districts
25 shall not be changed (~~often~~) more often than once in four years
26 and only when a full board of commissioners is present. The districts
27 shall be designated as districts numbered one, two and three.

28 NEW SECTION. **Sec. 15.** A new section is added to chapter 35.21
29 RCW to read as follows:

30 The legislative authority of a city or town may authorize a
31 change to its electoral system, including the implementation of a
32 district-based election system or an alternative proportional voting
33 method as defined in section 3 of this act, to remedy a potential
34 violation of section 4 of this act. If the legislative authority of a
35 city or town invokes its authority under this section to implement a
36 district-based election system, the districts shall be drawn in a
37 manner consistent with sections 6 and 7 of this act. The legislative
38 authority of a city or town shall order new elections to be scheduled

1 pursuant to section 6(4) of this act. All of the positions that were
2 elected pursuant to the previous method of election and have at least
3 two years remaining in their terms of office shall be subject to new
4 elections in order to continue their terms of office.

5 NEW SECTION. **Sec. 16.** A new section is added to chapter 35A.21
6 RCW to read as follows:

7 The legislative authority of a code city or town may authorize a
8 change to its electoral system, including the implementation of a
9 district-based election system or an alternative proportional voting
10 method as defined in section 3 of this act, to remedy a potential
11 violation of section 4 of this act. If the legislative authority of a
12 code city or town invokes its authority under this section to
13 implement a district-based election system, the districts shall be
14 drawn in a manner consistent with sections 6 and 7 of this act. The
15 legislative authority of a code city or town shall order new
16 elections to be scheduled pursuant to section 6(4) of this act. All
17 of the positions that were elected pursuant to the previous method of
18 election and have at least two years remaining in their terms of
19 office shall be subject to new elections in order to continue their
20 terms of office.

21 NEW SECTION. **Sec. 17.** A new section is added to chapter 52.14
22 RCW to read as follows:

23 Where the board of fire commissioners of a fire protection
24 district exercises its authority pursuant to RCW 52.14.013 to create
25 commissioner districts, such districts shall be drawn in a manner
26 consistent with section 6 of this act.

27 **Sec. 18.** RCW 53.12.010 and 2002 c 51 s 1 are each amended to
28 read as follows:

29 (1) The powers of the port district shall be exercised through a
30 port commission consisting of three or, when permitted by this title,
31 five members. Every port district that is not coextensive with a
32 county having a population of five hundred thousand or more shall be
33 divided into the same number of commissioner districts as there are
34 commissioner positions, each having approximately equal population,
35 unless provided otherwise under subsection (2) of this section. Where
36 a port district with three commissioner positions is coextensive with
37 the boundaries of a county that has a population of less than five

1 hundred thousand and the county has three county legislative
2 authority districts, the port commissioner districts (~~shall~~) may be
3 the county legislative authority districts. In other instances where
4 a port district is divided into commissioner districts, the port
5 commission shall divide the port district into commissioner districts
6 unless the commissioner districts have been described pursuant to RCW
7 53.04.031. The commissioner districts shall be altered as provided in
8 chapter 53.16 RCW.

9 Commissioner districts shall be used as follows: (a) Only a
10 registered voter who resides in a commissioner district may be a
11 candidate for, or hold office as, a commissioner of the commissioner
12 district; and (b) only the voters of a commissioner district may vote
13 at a primary to nominate candidates for a commissioner of the
14 commissioner district. Voters of the entire port district may vote at
15 a general election to elect a person as a commissioner of the
16 commissioner district.

17 (2)(a) In port districts with five commissioners, two of the
18 commissioner districts may include the entire port district if
19 approved by the voters of the district either at the time of
20 formation or at a subsequent port district election at which the
21 issue is proposed pursuant to a resolution adopted by the board of
22 commissioners and delivered to the county auditor.

23 (b) In a port district with five commissioners, where two of the
24 commissioner districts include the entire port district, the port
25 district may be divided into five commissioner districts if proposed
26 pursuant to a resolution adopted by the board of commissioners or
27 pursuant to a petition by the voters and approved by the voters of
28 the district at the next general or special election occurring sixty
29 or more days after the adoption of the resolution. A petition
30 proposing such an increase must be submitted to the county auditor of
31 the county in which the port district is located and signed by voters
32 of the port district at least equal in number to ten percent of the
33 number of voters in the port district who voted at the last general
34 election.

35 Upon approval by the voters, the commissioner district boundaries
36 shall be redrawn into five districts within one hundred twenty days
37 and submitted to the county auditor pursuant to RCW 53.16.015. The
38 new commissioner districts shall be numbered one through five and the
39 three incumbent commissioners representing the three former districts
40 shall represent commissioner districts one through three. The two at

1 large incumbent commissioners shall represent commissioner districts
2 four and five. If, as a result of redrawing the district boundaries
3 more than one of the incumbent commissioners resides in one of the
4 new commissioner districts, the commissioners who reside in the same
5 commissioner district shall determine by lot which of the numbered
6 commissioner districts they shall represent for the remainder of
7 their respective terms.

8 **Sec. 19.** RCW 54.12.010 and 2004 c 113 s 1 are each amended to
9 read as follows:

10 A public utility district that is created as provided in RCW
11 54.08.010 shall be a municipal corporation of the state of
12 Washington, and the name of such public utility district shall be
13 Public Utility District No. of County.

14 The powers of the public utility district shall be exercised
15 through a commission consisting of three members in three
16 commissioner districts, and five members in five commissioner
17 districts.

18 (1) If the public utility district is countywide and the county
19 has three county legislative authority districts, then, at the first
20 election of commissioners and until any change is made in the
21 boundaries of public utility district commissioner districts, one
22 public utility district commissioner shall be chosen from each of the
23 three county legislative authority districts.

24 (2) If the public utility district comprises only a portion of
25 the county, with boundaries established in accordance with chapter
26 54.08 RCW, or if the public utility district is countywide and the
27 county does not have three county legislative authority districts,
28 three public utility district commissioner districts, numbered
29 consecutively, each with approximately equal population and following
30 precinct lines, as far as practicable, shall be described in the
31 petition for the formation of the public utility district, subject to
32 appropriate change by the county legislative authority if and when it
33 changes the boundaries of the proposed public utility district. One
34 commissioner shall be elected as a commissioner of each of the public
35 utility district commissioner districts.

36 (3) Only a registered voter who resides in a commissioner
37 district may be a candidate for, or hold office as, a commissioner of
38 the commissioner district. Only voters of a commissioner district may
39 vote at a primary to nominate candidates for a commissioner of the

1 commissioner district. Voters of the entire public utility district
2 may vote at a general election to elect a person as a commissioner of
3 the commissioner district.

4 (4) The term of office of each public utility district
5 commissioner other than the commissioners at large shall be six
6 years, and the term of each commissioner at large shall be four
7 years. Each term shall be computed in accordance with RCW
8 ((29A.20.040)) 29A.60.280 following the commissioner's election. All
9 public utility district commissioners shall hold office until their
10 successors shall have been elected and have qualified and assume
11 office in accordance with RCW ((29A.20.040)) 29A.60.280.

12 (5) A vacancy in the office of public utility district
13 commissioner shall occur as provided in chapter 42.12 RCW or by
14 nonattendance at meetings of the public utility district commission
15 for a period of sixty days unless excused by the public utility
16 district commission. Vacancies on a board of public utility district
17 commissioners shall be filled as provided in chapter 42.12 RCW.

18 (6) The boundaries of the public utility district commissioner
19 districts may be changed only by the public utility district
20 commission or by a court order issued pursuant to section 7 of this
21 act, and shall be examined every ten years to determine substantial
22 equality of population in accordance with chapter 29A.76 RCW. Except
23 as provided in this section, section 7 of this act, or RCW 54.04.039,
24 the boundaries shall not be changed ((~~often~~)) more often than once
25 in four years. Boundaries may only be changed when all members of the
26 commission are present. Whenever territory is added to a public
27 utility district under RCW 54.04.035, or added or withdrawn under RCW
28 54.04.039, the boundaries of the public utility commissioner
29 districts shall be changed to include the additional or exclude the
30 withdrawn territory. Unless the boundaries are changed pursuant to
31 RCW 54.04.039, the proposed change of the boundaries of the public
32 utility district commissioner district must be made by resolution and
33 after public hearing. Notice of the time of the public hearing shall
34 be published for two weeks before the hearing. Upon a referendum
35 petition signed by ten percent of the qualified voters of the public
36 utility district being filed with the county auditor, the county
37 legislative authority shall submit the proposed change of boundaries
38 to the voters of the public utility district for their approval or
39 rejection. The petition must be filed within ninety days after the

1 adoption of resolution of the proposed action. The validity of the
2 petition is governed by the provisions of chapter 54.08 RCW.

3 **Sec. 20.** RCW 29A.76.010 and 2011 c 349 s 26 are each amended to
4 read as follows:

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

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

16 (3) No later than eight months after its receipt of federal
17 decennial census data, the governing body of the municipal
18 corporation, county, or district shall prepare a plan for
19 redistricting its internal or director districts.

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

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

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

26 (c) Each district shall consist of geographically contiguous
27 area.

28 (d) Population data may not be used for purposes of favoring or
29 disfavoring any racial group or political party, except to the extent
30 necessary to ensure compliance with this act.

31 (e) To the extent feasible and if not inconsistent with the basic
32 enabling legislation for the municipal corporation, county, or
33 district, the district boundaries shall coincide with existing
34 recognized natural boundaries and shall, to the extent possible,
35 preserve existing communities of related and mutual interest.

36 (5) During the adoption of its plan, the municipal corporation,
37 county, or district shall ensure that full and reasonable public
38 notice of its actions is provided. The municipal corporation, county,

1 or district shall hold at least one public hearing on the
2 redistricting plan at least one week before adoption of the plan.

3 (6)(a) Any registered voter residing in an area affected by the
4 redistricting plan may request review of the adopted local plan by
5 the superior court of the county in which he or she resides, within
6 fifteen days of the plan's adoption. Any request for review must
7 specify the reason or reasons alleged why the local plan is not
8 consistent with the applicable redistricting criteria. The municipal
9 corporation, county, or district may be joined as respondent. The
10 superior court shall thereupon review the challenged plan for
11 compliance with the applicable redistricting criteria set out in
12 subsection (4) of this section.

13 (b) If the superior court finds the plan to be consistent with
14 the requirements of this section, the plan shall take effect
15 immediately.

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

20 (d) If the superior court finds that any request for review is
21 frivolous or has been filed solely for purposes of harassment or
22 delay, it may impose appropriate sanctions on the party requesting
23 review, including payment of attorneys' fees and costs to the
24 respondent municipal corporation, county, or district.

25 NEW SECTION. **Sec. 21.** This act supersedes other state laws and
26 local ordinances to the extent that those state laws or ordinances
27 would otherwise restrict a jurisdiction's ability to implement a
28 remedy pursuant to this act.

29 NEW SECTION. **Sec. 22.** If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

33 NEW SECTION. **Sec. 23.** Sections 1 through 12 and 21 of this act
34 constitute a new chapter in Title 29A RCW.

--- END ---