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**HOUSE BILL 1535**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives Riccelli, Ormsby, and Tharinger

AN ACT Relating to county commissioner elections; amending RCW 36.32.030, 36.32.050, 29A.76.010, and 36.32.0556; adding new sections to chapter 36.32 RCW; and creating a new section.

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

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

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

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

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

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

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

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

(1)(a) By January 31, 2022, any noncharter county with a population of four hundred thousand or more must establish a redistricting committee, in accordance with section 4 of this act, to review and adjust county commissioner districts. The three commissioner districts established by the redistricting committee must be designated as districts numbered one, two, and three. Any districting plan adopted by the redistricting committee must designate the initial terms of office for each of the three county commissioner positions, as provided in RCW 36.32.030(2).

(b) Beginning in 2022, district elections for all county commissioners of a noncharter county with a population of four hundred thousand or more must be held in accordance with any districting plan adopted by a redistricting committee that is established in accordance with section 5 of this act.

(2) After 2022, by April 30th of each year ending in one, any noncharter county with a population of four hundred thousand or more must establish a redistricting committee in accordance with section 4 of this act. The redistricting committee must review and adjust as necessary the boundaries of the county's three commissioner districts.

(3) The provisions of this section do not apply if a county with a population of four hundred thousand or more has increased its commissioners to five members, in accordance with RCW 36.32.055.

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

(1) Upon the approval of a majority of registered voters in the county, or by county ordinance adopted by the county commissioners, any noncharter county with a population of less than four hundred thousand may choose to hold both district nominations and district elections for the office of county commissioner. Each commissioner must reside in a separate commissioner district and be nominated and elected by the voters of the district in which he or she resides.

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

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

(3) Within fifteen days after a proposition submitted to county voters under this section is approved, the county must establish a redistricting committee in accordance with section 4 of this act. The redistricting committee shall divide the county into three commissioner districts. Beginning in the even-numbered year following the adoption of a redistricting plan by the committee, nominations and elections of county commissioners must be held in accordance with the adopted districting plan.

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

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

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

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

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

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

(b) Is not a resident of the county;

(c) Is or within two years before appointment was a consultant for or had a contract with the county, or had been a registered lobbyist that lobbies the county commission; or

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

(4) Members of a redistricting committee may not:

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

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

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

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

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

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

(2) No more than forty-five days after the appointment of a districting master to a redistricting committee, the districting master must:

(a) Prepare a draft districting plan dividing the county into three commissioner districts;

(b) Solicit written public comment on the draft districting plan;

(c) Amend the draft as necessary after public comments are received and resubmit any amended draft for written public comment; and

(d) Submit the draft plan to the redistricting committee after additional public comments are received.

(3)(a) Within ten days after receiving the draft districting plan, the redistricting committee must publish the draft plan and provide an opportunity for public comment.

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

(i) Must hold at least one public hearing on the plan, including notice and public comment; and

(ii) May adopt the districting plan; or

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

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

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

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

(4) Each commissioner district established by a redistricting committee under this section must comprise as nearly as possible one-third of the population of the county. The boundaries of commissioner districts must:

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

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

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

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

(1) Except as provided otherwise in subsection (2) of this section, the terms of office of county commissioners shall be four years and shall extend until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280((~~: PROVIDED, That~~)) The terms of office of county commissioners shall be staggered so that either one or two commissioners are elected at a general election held in ((~~an~~)) each even-numbered year.

(2) Except as provided otherwise in section 2 of this act, at the general election held in 2022, any noncharter county with a population of four hundred thousand or more must elect three county commissioners in accordance with a districting plan adopted under section 5 of this act. Any county commissioner whose term is set to expire on or after January 1, 2023, is subject to the new election in accordance with this section. The three county commissioners shall begin their terms of office on January 1, 2023, and as designated in the districting plan: Two of the county commissioners shall serve terms of four years and one of the county commissioners shall serve a term of two years. The districts in which commissioners will serve initial terms of four years and the district in which a commissioner will serve an initial term of two years must be identified in the adopted districting plan. All successive county commissioners elected to office shall serve staggered terms of four years, with either one or two commissioners elected in each even-numbered year.

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) During the adoption of its plan, the municipal corporation, county, or district shall ensure that full and reasonable public notice of its actions is provided. Before adopting the plan, the municipal corporation, county, or district ((~~shall hold at least one public hearing on the redistricting plan at least one week before adoption of the plan~~)) must:

(a) Publish the draft plan and hold a meeting, including notice and comment, within ten days of publishing the draft plan and at least one week before adopting the plan; and

(b) Amend the draft as necessary after receiving public comments and resubmit any amended draft plan for additional written public comment at least one week before adopting the plan.

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

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

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

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

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

(1) The commissioners in a five-member board of county commissioners shall be elected to four-year staggered terms.

(2) Each commissioner shall reside in a separate commissioner district. Each commissioner shall be nominated from a separate commissioner district by the voters of that district.

(a) In any noncharter county with a population of fewer than four hundred thousand, each commissioner shall be elected by the voters of the entire county.

(b) In any noncharter county with a population of four hundred thousand or more, each commissioner shall be elected by the voters of the district in which he or she resides.

(3) Three members of a five-member board of commissioners shall constitute a quorum to do business.

NEW SECTION. **Sec.**  This act may be known and cited as the responsible representation act.

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