H-4366.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUBSTITUTE HOUSE BILL 2887**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 65th Legislature 2018 Regular Session**

**By** House State Government, Elections & Information Technology (originally sponsored by Representatives Riccelli, Holy, Volz, Ormsby, Shea, McCaslin, and Frame)

AN ACT Relating to county commissioner elections; amending RCW 36.32.030, 36.32.050, 29A.76.010, 36.32.055, and 44.05.080; adding new sections to chapter 36.32 RCW; creating new sections; and providing an effective date.

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

NEW SECTION. **Sec.**  The legislature finds that the leaders of local jurisdictions should represent the interests of the communities they serve and should be accountable to all their constituents. The legislature further finds that district-based elections help to make elected officials more responsible to their constituents by bringing candidates closer to the communities from which they are elected. The legislature further finds that the districting process requires transparent and fair decision making in a bipartisan effort to ensure that districts constitute an accurate and balanced representation of the community.

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.

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

(1) Beginning in 2022, any noncharter county with a population of four hundred thousand or more must have a board of commissioners with five members, and must use district nominations and district elections for its commissioner positions, in accordance with RCW 36.32.050.

(a) By April 30, 2021, the county must establish a redistricting committee, in accordance with section 4 of this act, to create, review, and adjust county commissioner districts in accordance with subsection (1) of this section. The commissioner districts established by the redistricting committee must be designated as districts numerically one through five. Any districting plan adopted by the redistricting committee must designate the initial terms of office for each of the county commissioner positions, as provided in RCW 36.32.030(2).

(b) Beginning in 2022, district elections for all county commissioners in 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, each qualifying county 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) A county redistricting committee established under this chapter must have five members appointed in each year ending in one, as follows:

(a) One member shall be appointed by the members of each of the two largest caucuses, respectively, of the house of representatives whose legislative districts are wholly within the noncharter county with a population of four hundred thousand or more;

(b) One member shall be appointed by the members of each of the two largest caucuses, respectively, of the senate whose legislative districts are wholly within the noncharter county with a population of four hundred thousand or more; and

(c) The fifth member, who shall serve as the nonvoting chair of the committee, shall be appointed by a majority of the other four members.

(2) Committee members may not be appointed until after January 1, 2021.

(a) If any member is not appointed in accordance with the process in subsection (1)(a) or (b) of this section by March 1st then the respective legislative leader of each caucus whose qualifying members have not made an appointment must make the respective appointment by April 1st. If any caucus does not have at least one qualifying member, then the legislative leader of that caucus shall make the appointment by April 1st.

(b) If the fifth member is not appointed in accordance with subsection (1)(c) of this section by April 15th, then the county board of commissioners must appoint the fifth member by April 30th.

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

(4) 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.

(5) 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.

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

(7) The legislative body of the county will provide adequate funding and resources to support the duties of the redistricting committee.

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

(1) Within one hundred twenty days after a redistricting committee is established under this chapter, the committee must prepare and publish a draft districting plan dividing the county into five commissioner districts. The committee must hold public meetings in preparing the draft, in compliance with chapter 42.30 RCW, and records of the committee must be available for public disclosure, pursuant to chapter 42.56 RCW.

(2) Within sixty days of publishing the draft districting plan, the committee must:

(a) Solicit written public comment on the draft;

(b) Hold at least one public hearing on the plan, including notice and public comment;

(c) Amend the draft as necessary after the public comment and hearing; and

(d) Either:

(i) Adopt the original or amended districting plan by a vote of at least three of the four voting committee members, and promptly file the adopted districting plan with the county auditor; or

(ii) Notify the state redistricting commission, established under chapter 44.05 RCW, with instructions to approve a districting plan for the county.

(3) If the committee instructs the state redistricting commission to approve a districting plan for the county, the state redistricting commission must convene or reconvene for purposes of approving a districting plan for the county, in addition to its duties under chapter 44.05 RCW. The committee may submit any proposed plans drafted by the committee or a committee member to assist the state redistricting commission. The state redistricting commission must approve a districting plan for the county within sixty days of receiving notice from the committee, and promptly file the plan with the county auditor.

(4) The districting plan is effective upon filing the plan with the county auditor either by the committee or by the state redistricting commission.

(5) County commissioner elections pursuant to the districting plan filed with the county auditor must begin in the next even-numbered year, and conducted in accordance with RCW 36.32.050.

(6) Each commissioner district established by a redistricting committee under this section must comprise as nearly as possible one-fifth 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.

(7) Upon filing of the adopted districting plan with the county auditor, or sixty days after providing notice to the state redistricting commission, the redistricting committee is dissolved until such time as a new redistricting committee is established as provided in section 2 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) At the general election held in 2022, any noncharter county with a population of four hundred thousand or more must elect 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 the districting plan. The county commissioners shall begin their terms of office on January 1, 2023, and such terms shall be staggered terms, as designated in the districting plan.

**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) Beginning in 2022, in any noncharter county with a population of four hundred thousand or more, county commissioners must be nominated and 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 36.32.055 and 1990 c 252 s 2 are each amended to read as follows:

(1) The board of commissioners of any noncharter county with a population of three hundred thousand or more, and less than four hundred thousand, may cause a ballot proposition to be submitted at a general election to the voters of the county authorizing the board of commissioners to be increased to five members.

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

Any petition requesting that such an election be held shall be submitted to the county auditor for verification of the signatures thereon. Within no more than thirty days after the submission of the petition, the auditor shall determine if the petition contains the requisite number of valid signatures. The auditor shall certify whether or not the petition has been signed by the requisite number of county voters and forward such 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 shall submit such a 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.

**Sec.**  RCW 44.05.080 and 2017 3rd sp.s. c 25 s 33 are each amended to read as follows:

In addition to other duties prescribed by law, the commission shall:

(1) Adopt rules pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to carry out the provisions of Article II, section 43 of the state Constitution and of this chapter, which rules shall provide that three voting members of the commission constitute a quorum to do business, and that the votes of three of the voting members are required for any official action of the commission;

(2) Act as the legislature's recipient of the final redistricting data and maps from the United States Bureau of the Census;

(3) Comply with requirements to disclose and preserve public records as specified in chapters 40.14 and 42.56 RCW;

(4) Hold open meetings pursuant to the open public meetings act, chapter 42.30 RCW;

(5) Prepare and disclose its minutes pursuant to RCW 42.30.035;

(6) Be subject to the provisions of RCW 42.17A.700;

(7) Prepare and publish a report with the plan; the report will be made available to the public at the time the plan is published. The report will include but will not be limited to: (a) The population and percentage deviation from the average district population for every district; (b) an explanation of the criteria used in developing the plan with a justification of any deviation in a district from the average district population; (c) a map of all the districts; and (d) the estimated cost incurred by the counties for adjusting precinct boundaries;

(8) Adopt a districting plan for a noncharter county with a population of four hundred thousand or more, pursuant to section 5 of this act.

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

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

NEW SECTION. **Sec.**  Section 9 of this act takes effect January 1, 2021.

**--- END ---**