

SSB 6002 - S AMD 333

By Senator Baumgartner

NOT ADOPTED 01/17/2018

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

3 "NEW SECTION. **Sec. 1.** This act may be known and cited as the
4 Washington voting rights act of 2018.

5 NEW SECTION. **Sec. 2.** The legislature recognizes that many local
6 governments are presently considering the option of converting from
7 at large elections to electoral systems that are oriented towards
8 district-based voting. However, several types of jurisdictions are
9 required to conduct their general elections on an at large basis, and
10 are thus precluded from any change. This state law prohibition may
11 put certain jurisdictions in the precarious position of facing
12 liability under the federal voting rights act, while state law
13 prevents them from adopting a legitimate, good faith solution.
14 Further, noting the outcome of the recent lawsuit within the state of
15 Washington, the legislature recognizes that the federal voting rights
16 act provides an effective means to challenge what a plaintiff
17 considers to be an unfair electoral system. Therefore, the
18 legislature intends to provide local governments with the tools they
19 need to offer the most effective, inclusive, and fair electoral
20 systems for their citizens.

21 **Sec. 3.** RCW 35.18.020 and 2015 c 53 s 32 are each amended to
22 read as follows:

23 (1) The number of councilmembers in a city or town operating with
24 a council-manager plan of government shall be based upon the latest
25 population of the city or town that is determined by the office of
26 financial management as follows:

27 (a) A city or town having not more than two thousand inhabitants,
28 five councilmembers; and

29 (b) A city or town having more than two thousand, seven
30 councilmembers.

1 (2) Except for the initial staggering of terms, councilmembers
2 shall serve for four-year terms of office. All councilmembers shall
3 serve until their successors are elected and qualified and assume
4 office in accordance with RCW 29A.60.280. Councilmembers may be
5 elected on a citywide or townwide basis, or from wards or districts,
6 or any combination of these alternatives. Candidates shall run for
7 specific positions. Wards or districts shall be redrawn as provided
8 in chapter 29A.76 RCW. Wards or districts shall be used as follows:
9 (a) Only a resident of the ward or district may be a candidate for,
10 or hold office as, a councilmember of the ward or district; and (b)
11 only voters of the ward or district may vote at a primary to nominate
12 candidates for a councilmember of the ward or district. Voters of the
13 entire city or town may vote at the general election to elect a
14 councilmember of a ward or district, unless the city or town (~~had~~
15 ~~prior to January 1, 1994, limited~~) council has adopted an ordinance
16 or the voters of the city or town have approved an initiative
17 limiting the voting in the general election for any or all council
18 positions to only voters residing within the ward or district
19 associated with the council positions. If a city or town had so
20 limited the voting in the general election to only voters residing
21 within the ward or district, then the city or town shall be
22 authorized to continue to do so.

23 (3) When a city or town has qualified for an increase in the
24 number of councilmembers from five to seven by virtue of the next
25 succeeding population determination made by the office of financial
26 management, two additional council positions shall be filled at the
27 next municipal general election (~~with~~). If the voting at the
28 election includes voters of the entire city, the person elected to
29 one of the new council positions receiving the greatest number of
30 votes (~~being elected for~~) shall serve a four-year term of office,
31 and the person elected to the other additional council position
32 (~~being elected for~~) shall serve a two-year term of office. The two
33 additional councilmembers shall assume office immediately when
34 qualified in accordance with RCW 29A.04.133, but the term of office
35 shall be computed from the first day of January after the year in
36 which they are elected. Their successors shall be elected to four-
37 year terms of office. The city or town may redistrict and create
38 seven wards by ordinance or, if authorized, voter initiative, and
39 conduct the appointment and election of the new councilmembers within
40 the wards.

1 Prior to the election of the two new councilmembers, the city or
2 town council shall fill the additional positions by appointment not
3 later than forty-five days following the release of the population
4 determination, and each appointee shall hold office only until the
5 new position is filled by election.

6 (4) When a city or town has qualified for a decrease in the
7 number of councilmembers from seven to five by virtue of the next
8 succeeding population determination made by the office of financial
9 management, two council positions shall be eliminated at the next
10 municipal general election if four council positions normally would
11 be filled at that election, or one council position shall be
12 eliminated at each of the next two succeeding municipal general
13 elections if three council positions normally would be filled at the
14 first municipal general election after the population determination.
15 The council shall by ordinance indicate which, if any, of the
16 remaining positions shall be elected at-large or from wards or
17 districts.

18 (5) Vacancies on a council shall occur and shall be filled as
19 provided in chapter 42.12 RCW.

20 **Sec. 4.** RCW 35.23.850 and 2015 c 53 s 41 are each amended to
21 read as follows:

22 In any city initially classified as a second-class city prior to
23 January 1, 1993, that retained its second-class city plan of
24 government when the city reorganized as a noncharter code city, the
25 city council may divide the city into wards, not exceeding six in
26 all, or change the boundaries of existing wards at any time less than
27 one hundred twenty days before a municipal general election. No
28 change in the boundaries of wards shall affect the term of any
29 councilmember, and councilmembers shall serve out their terms in the
30 wards of their residences at the time of their elections. However, if
31 these boundary changes result in one ward being represented by more
32 councilmembers than the number to which it is entitled, those having
33 the shortest unexpired terms shall be assigned by the council to
34 wards where there is a vacancy, and the councilmembers so assigned
35 shall be deemed to be residents of the wards to which they are
36 assigned for purposes of determining whether those positions are
37 vacant and shall serve until a ward resident is elected.

38 The representation of each ward in the city council shall be in
39 proportion to the population as nearly as is practicable.

1 Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards
2 shall be used as follows: (1) Only a resident of the ward may be a
3 candidate for, or hold office as, a councilmember of the ward; and
4 (2) only voters of the ward may vote at a primary to nominate
5 candidates for a councilmember of the ward. Voters of the entire city
6 may vote at the general election to elect a councilmember of a ward,
7 unless the city (~~had prior to January 1, 1994, limited~~) council has
8 adopted an ordinance or, if authorized, the voters of the city have
9 approved an initiative limiting the voting in the general election
10 for any or all council positions to only voters residing within the
11 ward associated with the council positions. If a city had so limited
12 the voting in the general election to only voters residing within the
13 ward, then the city shall be authorized to continue to do so. The
14 elections for the remaining council position or council positions
15 that are not associated with a ward shall be conducted as if the
16 wards did not exist.

17 **Sec. 5.** RCW 35A.12.180 and 2015 c 53 s 53 are each amended to
18 read as follows:

19 At any time not within three months previous to a municipal
20 general election the council of a noncharter code city organized
21 under this chapter may divide the city into wards or change the
22 boundaries of existing wards. No change in the boundaries of wards
23 shall affect the term of any councilmember, and councilmembers shall
24 serve out their terms in the wards of their residences at the time of
25 their elections: PROVIDED, That if this results in one ward being
26 represented by more councilmembers than the number to which it is
27 entitled those having the shortest unexpired terms shall be assigned
28 by the council to wards where there is a vacancy, and the
29 councilmembers so assigned shall be deemed to be residents of the
30 wards to which they are assigned for purposes of those positions
31 being vacant and shall serve until a ward resident is elected. The
32 representation of each ward in the city council shall be in
33 proportion to the population as nearly as is practicable.

34 Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards
35 shall be used as follows: (1) Only a resident of the ward may be a
36 candidate for, or hold office as, a councilmember of the ward; and
37 (2) only voters of the ward may vote at a primary to nominate
38 candidates for a councilmember of the ward. Voters of the entire city
39 may vote at the general election to elect a councilmember of a ward,

1 unless the city (~~had prior to January 1, 1994, limited~~) council has
2 adopted an ordinance or, if authorized, the voters of the city have
3 approved an initiative limiting the voting in the general election
4 for any or all council positions to only voters residing within the
5 ward associated with the council positions. (~~If a city had so~~
6 ~~limited the voting in the general election to only voters residing~~
7 ~~within the ward, then the city shall be authorized to continue to do~~
8 ~~so.~~)

9 **Sec. 6.** RCW 36.32.050 and 2009 c 549 s 4063 are each amended to
10 read as follows:

11 County commissioners shall be elected by the qualified voters of
12 the county and the person receiving the highest number of votes for
13 the office of commissioner for the district in which he or she
14 resides shall be declared duly elected from that district, unless the
15 commission has adopted an ordinance or, if authorized, the voters of
16 the county have approved an initiative limiting voting in the general
17 election to the voters of each district.

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

20 The commissioners in a five-member board of county commissioners
21 shall be elected to four-year staggered terms. Each commissioner
22 shall reside in a separate commissioner district. Each commissioner
23 shall be nominated from a separate commissioner district by the
24 voters of that district. Each shall be elected by the voters of the
25 entire county, unless the commission has adopted an ordinance or, if
26 authorized, the voters of the county have approved an initiative
27 limiting voting in the general election to the voters of each
28 district. Three members of a five-member board of commissioners shall
29 constitute a quorum to do business."

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30 On page 1, line 3 of the title, after "opportunity;" strike the
31 remainder of the title and insert "amending RCW 35.18.020, 35.23.850,
32 35A.12.180, 36.32.050, and 36.32.0556; and creating new sections."

EFFECT: (1) Eliminates cause of action and associated court procedures in certain political subdivisions where local elections exhibit polarized voting between members of a protected class and other voters and members of a protected class do not have an equal opportunity to elect preferred candidates as a result of dilution or abridgement of their rights.

(2) Authorizes noncharter counties to establish district-based systems for electing commissioners by ordinance.

(3) Authorizes code cities and second-class cities to establish district-based or hybrid systems for electing councilmembers by ordinance or, if authorized, initiative.

(4) Authorizes second-class cities and towns which expand council membership to seven to redistrict by ordinance or, if authorized, initiative.

(5) Removes provisions requiring collaboration between jurisdictions and claimants in establishing district-based systems.

(6) Removes deadline when new district-based systems must be implemented to take effect at the next election.

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