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**SUBSTITUTE SENATE BILL 5398**

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**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** Senate State Government (originally sponsored by Senators Miloscia, Hunt, and Zeiger; by request of Secretary of State)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to modification of precinct and district boundary  
2 lines; amending RCW 44.05.100 and 29A.16.050; and reenacting and  
3 amending RCW 29A.16.040.

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

5 **Sec. 1.** RCW 29A.16.040 and 2011 c 349 s 5 and 2011 c 10 s 26 are  
6 each reenacted and amended to read as follows:

7 (1) The county legislative authority of each county in the state  
8 shall divide the county into election precincts and establish the  
9 boundaries of the precincts. The auditor of each county may recommend  
10 in writing any adjustment to the division of election precincts or  
11 precinct boundaries to the county legislative authority at least  
12 forty-five days prior to the date found in subsection (2) of this  
13 section. If the county legislative authority does not formally reject  
14 or adopt a modification to the auditor's recommendation within forty-  
15 five days, the auditor's recommendation is adopted.

16 ~~((+1))~~ (2) Precinct boundaries may be altered at any time as  
17 long as sufficient time exists prior to a given election for the  
18 necessary procedural steps to be honored. Except as permitted under  
19 subsection ~~((+3))~~ (4) of this section, no precinct changes may be  
20 made during the period starting ~~((fourteen))~~ seven days prior to the

1 first day for candidates to file for the primary election and ending  
2 with the day of the general election.

3 ~~((+2))~~ (3) The ~~((county legislative authority may establish by  
4 ordinance a limitation on the))~~ maximum number of active registered  
5 voters in each precinct ~~((within its jurisdiction. The number may be  
6 less than the number established by law, but in no case may the  
7 number exceed))~~ is one thousand five hundred active registered  
8 voters.

9 ~~((+3))~~ (4) The county auditor shall temporarily adjust precinct  
10 boundaries when a city or town annexes unincorporated territory to  
11 the city or town, or whenever unincorporated territory is  
12 incorporated as a city or town. The adjustment must be made as soon  
13 as possible after the approval of the annexation or incorporation.  
14 The temporary adjustment must be limited to the minimum changes  
15 necessary to accommodate the addition of the territory to the city or  
16 town, or to establish the eligible voters within the boundaries of  
17 the new city or town, and remains in effect only until precinct  
18 boundary modifications reflecting the annexation or incorporation are  
19 officially adopted by the county legislative authority as set forth  
20 in subsection (1) of this section.

21 **Sec. 2.** RCW 44.05.100 and 2002 c 4 s 1 are each amended to read  
22 as follows:

23 (1) Upon approval of a redistricting plan by three of the voting  
24 members of the commission, but not later than ~~((January 1st))~~  
25 November 20th of the year ending in ~~((two))~~ one, the commission shall  
26 submit the plan to the legislature.

27 (2) After submission of the plan by the commission, the  
28 legislature shall have the next thirty days during any regular or  
29 special session to amend the commission's plan. If the legislature  
30 amends the commission's plan the legislature's amendment must be  
31 approved by an affirmative vote in each house of two-thirds of the  
32 members elected or appointed thereto, and may not include more than  
33 two percent of the population of any legislative or congressional  
34 district.

35 (3) The plan approved by the commission, with any amendment  
36 approved by the legislature, shall be final upon approval of such  
37 amendment or after expiration of the time provided for legislative  
38 amendment by subsection (2) of this section whichever occurs first,  
39 and shall constitute the districting law applicable to this state for

1 legislative and congressional elections, beginning with the next  
2 elections held in the year ending in two. This plan shall be in force  
3 until the effective date of the plan based upon the next succeeding  
4 federal decennial census or until a modified plan takes effect as  
5 provided in RCW 44.05.120(6).

6 (4) If three of the voting members of the commission fail to  
7 approve and submit a plan within the time limitations provided in  
8 subsection (1) of this section, the supreme court shall adopt a plan  
9 by ~~((March))~~ February 1st of the year ending in two. Any such plan  
10 approved by the court is final and constitutes the districting law  
11 applicable to this state for legislative and congressional elections,  
12 beginning with the next election held in the year ending in two. This  
13 plan shall be in force until the effective date of the plan based on  
14 the next succeeding federal decennial census or until a modified plan  
15 takes effect as provided in RCW 44.05.120(6).

16 **Sec. 3.** RCW 29A.16.050 and 2003 c 111 s 405 are each amended to  
17 read as follows:

18 (1) Every voting precinct must be wholly within a single  
19 congressional district, a single legislative district, a single  
20 district of a county legislative authority(~~((, and, if applicable, a~~  
21 ~~single city))~~). Every voting precinct must be either wholly outside of  
22 any city or town, or wholly within a single city or town and, where  
23 applicable, a single council district or ward of that city or town.

24 (2) Every voting precinct shall be composed, as nearly as  
25 practicable, of contiguous and compact areas. Subject to the  
26 restrictions on precinct boundaries in subsection (1) of this section  
27 and the maximum registered voter count established in RCW  
28 29A.16.040(3), (a) an unincorporated area entirely surrounded by one  
29 or more cities or towns, or an unincorporated area lying between the  
30 boundaries of one or more cities or towns and the boundary of a  
31 county, congressional district, legislative district, or county  
32 legislative authority district, may be included in a single precinct  
33 with other such areas or with nearby unincorporated territory, and  
34 (b) incorporated areas that are not contiguous with the remainder of  
35 the city or town of which they are a part may be included in the  
36 geographically nearest precinct belonging to that city or town.

37 (3) ~~((Except as provided in this subsection, changes to the~~  
38 ~~boundaries of any))~~ Precinct ((shall)) boundaries must preferentially  
39 follow local jurisdictional and electoral district boundaries and

1 visible, physical features (~~delineated on the most current maps~~  
2 ~~provided by the United States census bureau. A change need not follow~~  
3 ~~such visible, physical features if (a) it is necessitated by an~~  
4 ~~annexation or incorporation and the proposed precinct boundary is~~  
5 ~~identical to an exterior boundary of the annexed or incorporated area~~  
6 ~~which does not follow a visible, physical feature; or (b) doing so~~  
7 ~~would substantially impair election administration in the involved~~  
8 ~~area)).~~

9 (4) (~~After a change to precinct boundaries is adopted by the~~  
10 ~~county legislative authority, if the change does not follow visible~~  
11 ~~physical features, the county auditor shall send to the secretary of~~  
12 ~~state an electronic or paper copy of the description, a map or maps~~  
13 ~~of the changes, and a statement of the applicable exception under~~  
14 ~~subsection (3) of this section. For boundary changes made pursuant to~~  
15 ~~subsection (3)(b) of this section, the auditor shall include a~~  
16 ~~statement of the reasons why following visible, physical features~~  
17 ~~would have substantially impaired election administration.~~

18 ~~(5))~~ Every voting precinct within each county shall be  
19 designated by number for the purpose of preparation of maps and the  
20 tabulation of population for apportionment purposes. These precincts  
21 may be identified with names or other numbers for other election  
22 purposes.

23 (~~(6) After a change to precinct boundaries in a city or town,~~  
24 ~~the county auditor shall send one copy of the map or maps delineating~~  
25 ~~the new precinct boundaries within that city or town to the city or~~  
26 ~~town clerk.~~

27 ~~(7))~~ (5) Precinct maps are public records and shall be available  
28 for inspection by the public during normal office hours in the  
29 offices where they are kept. Copies shall be made available to the  
30 public for a fee necessary to cover the cost of reproduction.

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