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SENATE BILL 6512

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State of Washington

65th Legislature

2018 Regular Session

By Senators Baumgartner, Billig, and Padden

1 AN ACT Relating to county commissioner elections; amending RCW  
2 36.32.030, 36.32.050, 29A.76.010, 36.32.055, and 44.05.080; adding  
3 new sections to chapter 36.32 RCW; creating new sections; and  
4 providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the leaders of  
7 local jurisdictions should represent the interests of the communities  
8 they serve and should be accountable to all their constituents. The  
9 legislature further finds that district-based elections help to make  
10 elected officials more responsible to their constituents by bringing  
11 candidates closer to the communities from which they are elected. The  
12 legislature further finds that the districting process requires  
13 transparent and fair decision making in a bipartisan effort to ensure  
14 that districts constitute an accurate and balanced representation of  
15 the community.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.32  
17 RCW to read as follows:

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

1 (1) "District" means a geographic area within county boundaries  
2 and designated in a county redistricting plan, as provided in section  
3 5 of this act.

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

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

10 (4) "Major political party" has the same meaning as in RCW  
11 29A.04.086.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.32  
13 RCW to read as follows:

14 (1) Beginning in 2022, any noncharter county with a population of  
15 four hundred thousand or more must have a board of commissioners with  
16 five members.

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

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

31 (2) After 2022, by April 30th of each year ending in one, each  
32 qualifying county must establish a redistricting committee in  
33 accordance with section 4 of this act. The redistricting committee  
34 must review and adjust as necessary the boundaries of the county's  
35 commissioner districts.

36 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.32  
37 RCW to read as follows:

1 (1) A county redistricting committee established under this  
2 chapter must have five members appointed in accordance with this  
3 subsection as follows:

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

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

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

15 (2) Committee members may not be appointed until after January 1,  
16 2021.

17 (a) If any member is not appointed in accordance with the process  
18 in subsection (1)(a) or (b) of this section by March 1, 2021, then  
19 the respective legislative leader of each caucus whose qualifying  
20 members have not made an appointment must make the respective  
21 appointment by April 1, 2021. If any caucus does not have at least  
22 one qualifying member, then the legislative leader of that caucus  
23 shall make the appointment.

24 (b) If the fifth member is not appointed in accordance with  
25 subsection (1)(c) of this section by March 1, 2021, then the county  
26 board of commissioners must appoint the fifth member by April 1,  
27 2021.

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

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

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

34 (b) Is not a resident of the county;

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

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

40 (5) Members of a redistricting committee may not:

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

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

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

11 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.32  
12 RCW to read as follows:

13 (1) Within one hundred twenty days after a redistricting  
14 committee is established under this chapter, the committee must  
15 prepare and publish a draft districting plan dividing the county into  
16 five commissioner districts.

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

19 (a) Solicit written public comment on the draft;

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

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

24 (d) Either:

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

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

31 (3) If the committee instructs the state redistricting commission  
32 to approve a districting plan for the county, the state redistricting  
33 commission must convene or reconvene for purposes of approving a  
34 districting plan for the county, in addition to its duties under  
35 chapter 44.05 RCW. The committee may submit any proposed plans  
36 drafted by the committee or a committee member to assist the state  
37 redistricting commission. The state redistricting commission must  
38 approve a districting plan for the county within sixty days of

1 receiving notice from the committee, and promptly file the plan with  
2 the county auditor.

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

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

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

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

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

18 (7) Upon filing of the adopted districting plan with the county  
19 auditor, or sixty days after providing notice to the state  
20 redistricting commission, the redistricting committee is dissolved  
21 until such time as a new redistricting committee is established as  
22 provided in section 2 of this act.

23 **Sec. 6.** RCW 36.32.030 and 2015 c 53 s 63 are each amended to  
24 read as follows:

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

32 (2) At the general election held in 2022, any noncharter county  
33 with a population of four hundred thousand or more must elect county  
34 commissioners in accordance with a districting plan adopted under  
35 section 5 of this act. Any county commissioner whose term is set to  
36 expire on or after January 1, 2023, is subject to the new election in  
37 accordance with the districting plan. The county commissioners shall  
38 begin their terms of office on January 1, 2023, and such terms shall  
39 be staggered terms, as designated in the districting plan.

1       **Sec. 7.** RCW 36.32.050 and 2009 c 549 s 4063 are each amended to  
2 read as follows:

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

9       (2) Beginning in 2022, in any noncharter county with a population  
10 of four hundred thousand or more, county commissioners must be  
11 elected by the qualified electors of the commissioner district in  
12 which he or she resides. The person receiving the highest number of  
13 votes at a general election for the office of commissioner for the  
14 district in which he or she resides must be declared duly elected  
15 from that district.

16       **Sec. 8.** RCW 29A.76.010 and 2011 c 349 s 26 are each amended to  
17 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (d) If the superior court finds that any request for review is  
40 frivolous or has been filed solely for purposes of harassment or

1 delay, it may impose appropriate sanctions on the party requesting  
2 review, including payment of attorneys' fees and costs to the  
3 respondent municipal corporation, county, or district.

4 **Sec. 9.** RCW 36.32.055 and 1990 c 252 s 2 are each amended to  
5 read as follows:

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

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

18 Any petition requesting that such an election be held shall be  
19 submitted to the county auditor for verification of the signatures  
20 thereon. Within no more than thirty days after the submission of the  
21 petition, the auditor shall determine if the petition contains the  
22 requisite number of valid signatures. The auditor shall certify  
23 whether or not the petition has been signed by the requisite number  
24 of county voters and forward such petition to the board of county  
25 commissioners. If the petition has been signed by the requisite  
26 number of county voters, the board of county commissioners shall  
27 submit such a proposition to the voters for their approval or  
28 rejection at the next general election held at least sixty days after  
29 the proposition has been certified by the auditor.

30 **Sec. 10.** RCW 44.05.080 and 2017 3rd sp.s. c 25 s 33 are each  
31 amended to read as follows:

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

34 (1) Adopt rules pursuant to the Administrative Procedure Act,  
35 chapter 34.05 RCW, to carry out the provisions of Article II, section  
36 43 of the state Constitution and of this chapter, which rules shall  
37 provide that three voting members of the commission constitute a



1 quorum to do business, and that the votes of three of the voting  
2 members are required for any official action of the commission;

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

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

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

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

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

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

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

23 NEW SECTION. Sec. 11. This act may be known and cited as the  
24 responsible representation act.

25 NEW SECTION. Sec. 12. If any provision of this act or its  
26 application to any person or circumstance is held invalid, the  
27 remainder of the act or the application of the provision to other  
28 persons or circumstances is not affected.

29 NEW SECTION. Sec. 13. Section 9 of this act takes effect  
30 January 1, 2021.

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