

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2887

Chapter 301, Laws of 2018

65th Legislature
2018 Regular Session

COUNTY COMMISSIONERS--DISTRICT-BASED ELECTIONS

EFFECTIVE DATE: June 7, 2018—Except for section 9, which becomes effective January 1, 2021.

Passed by the House March 3, 2018
Yeas 81 Nays 15

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate February 27, 2018
Yeas 38 Nays 10

CYRUS HABIB

President of the Senate

Approved March 28, 2018 1:25 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2887** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 29, 2018

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2887

AS AMENDED BY THE SENATE

Passed Legislature - 2018 Regular Session

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)

READ FIRST TIME 02/02/18.

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

12 (1) Beginning in 2022, any noncharter county with a population of
13 four hundred thousand or more must have a board of commissioners with
14 five members, and must use district nominations and district
15 elections for its commissioner positions, in accordance with RCW
16 36.32.050.

17 (a) By April 30, 2021, the county 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 each year ending in one,
3 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 or partially within the
7 noncharter county 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 or partially within the noncharter county with a
11 population 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 1st then the
19 respective legislative leader of each caucus whose qualifying members
20 have not made an appointment must make the respective appointment by
21 April 1st. If any caucus does not have at least one qualifying
22 member, then the legislative leader of that caucus shall make the
23 appointment by April 1st.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (d) Either:

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

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

36 (3) If the committee instructs the state redistricting commission
37 to approve a districting plan for the county, the state redistricting
38 commission must convene or reconvene for purposes of approving a
39 districting plan for the county, in addition to its duties under

1 chapter 44.05 RCW. The committee may submit any proposed plans
2 drafted by the committee or a committee member to assist the state
3 redistricting commission. The state redistricting commission must
4 approve a districting plan for the county within sixty days of
5 receiving notice from the committee, and promptly file the plan with
6 the county auditor.

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

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

13 (6) Each commissioner district established by a redistricting
14 committee under this section must comprise as nearly as possible one-
15 fifth of the population of the county. The boundaries of commissioner
16 districts must:

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

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

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

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

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

36 (2) At the general election held in 2022, any noncharter county
37 with a population of four hundred thousand or more must elect county
38 commissioners in accordance with a districting plan adopted under
39 section 5 of this act. Any county commissioner whose term is set to

1 expire on or after January 1, 2023, is subject to the new election in
2 accordance with the districting plan. The county commissioners shall
3 begin their terms of office on January 1, 2023, and such terms shall
4 be staggered terms, as designated in the districting plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (1) Adopt rules pursuant to the Administrative Procedure Act,
4 chapter 34.05 RCW, to carry out the provisions of Article II, section
5 43 of the state Constitution and of this chapter, which rules shall
6 provide that three voting members of the commission constitute a
7 quorum to do business, and that the votes of three of the voting
8 members are required for any official action of the commission;

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

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

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

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

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

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

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

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

31 NEW SECTION. Sec. 12. If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected.

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

Passed by the House March 3, 2018.
Passed by the Senate February 27, 2018.
Approved by the Governor March 28, 2018.
Filed in Office of Secretary of State March 29, 2018.

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