

SENATE BILL REPORT

ESHB 2575

As of February 27, 2020

Title: An act relating to reforms to increase transparency and accountability of the Washington redistricting commission.

Brief Description: Concerning reforms to increase transparency and accountability of the Washington redistricting commission.

Sponsors: House Committee on State Government & Tribal Relations (originally sponsored by Representatives Pellicciotti, Ryu, Tarleton, Orwall, Dolan, J. Johnson and Pollet).

Brief History: Passed House: 2/19/20, 57-41.

Committee Activity: State Government, Tribal Relations & Elections: 2/26/20.

Brief Summary of Bill

- Makes changes to the administration of the Washington Redistricting Commission (Commission), including providing for the preselection of Commissioners and altering staff and salary requirements.
- Adds requirements for Commission meetings and public forums, including notice and language access requirements.
- Requires additional information and data to be provided in Commission reports.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Staff: Samuel Brown (786-7470)

Background: Redistricting Commission. The Commission, established by constitutional amendment, provides for the redistricting of state legislative and congressional districts every ten years based on the federal decennial census. The Commission is composed of five members. The legislative leaders of each of the two largest political caucuses in each house of the Legislature appoint one person to the Commission, and the nonvoting chair is appointed by the four legislative appointees. Voting members must be appointed by January 15th of each year ending in one, and the chairperson must be selected by January 31st.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Commission may employ experts, consultants, and support staff. Commissioners may receive \$100 in compensation for each day performing their duties.

Redistricting Plan and Report. The affirmative vote of three members is required to approve the redistricting plan. If three members cannot agree on a plan by the deadline, November 15th of each year ending in one, the Washington Supreme Court must adopt a plan. The Legislature can amend a redistricting plan by a two-thirds majority vote in each chamber within 30 days of a legislative session after the plan is submitted by the Commission, but may not amend the plan by more than 2 percent of the population in any district.

Each congressional and legislative district must have a population, excluding nonresident military personnel, equal as practicable to the population of each other district. The Commission's plan may not be drawn purposely to favor or discriminate against any political party or group. To the extent reasonable, each district must:

- contain contiguous territory;
- be compact and convenient; and
- be separated from adjoining districts by natural geographic barriers, artificial barriers, or political boundaries.

Along with the redistricting plan, the Commission must publish a report that includes:

- the population of each district and the percentage it deviates from the average district population, along with a justification for each deviation;
- an explanation of the criteria used in developing the plan;
- a map of all the districts; and
- the estimated cost incurred by the counties for adjusting precinct boundaries.

Summary of Bill: Commission Administration. Legislative leaders of both parties in each house must designate an appointee to the Commission by December 1st of each year ending in zero and must certify an appointee by January 1st of each year ending in one. Prior to the Commission's establishment in January of each year ending in one, Commissioner-designees may attend training, hire staff, secure and set up offices, create a Commission website, and select a chairperson. The deadline for the selection of a chairperson is moved forward to January 15th. The Commission must employ staff to meet its needs, including positions related to communications, information technology, and language access.

Commissioner compensation is matched to the current salaries of legislators, beginning on the date of official appointment to the Commission and ending November 15th of each year ending in one. Commissioners must attend trainings on nonpartisan redistricting, the Public Records Act, and the Open Public Meetings Act.

Meetings and Public Input. The Commission must seek input from and conduct outreach to all significant communities of interest. The Commission must hold at least one public forum in each congressional district and at least 10 public forums in total. Notice of any public forum must be provided at least 20 days in advance in all languages required for voting materials in the district under the federal Voting Rights Act. The Commission may hold additional public forums if it determines that it has not received input that represents the diverse demographics of the state.

Within 90 days of its establishment, the Commission must solicit testimony or information about local demographics from election officials. Before any public forum is held, but no later than April 1st of each year ending in one, the Commission must publish a report describing its general priorities and intentions for using redistricting criteria in its decision-making process.

Reasonable efforts must be made to provide translation services and other accommodations for limited-English-speaking individuals at Commission meetings. A person who submits testimony at a Commission meeting must identify whether they are a lobbyist. Technology must allow for real-time remote participation at Commission meetings.

The Commission website must include information about Commission meetings, documents and draft plans produced by the Commission, data used for decision-making, archives of Commission meetings, and a no-cost means to submit public comments and proposed plans.

Reporting. A preliminary plan and reasonably final plan must be made public to allow for public review and comment. The reasonably final plan must be released at least seven days before the Commission's final approval of the plan. The preliminary plan must be released at least 90 days before the reasonably final plan.

The final report that accompanies the redistricting plan must include:

- a summary of all public input received;
- all plans discussed by the full Commission;
- a summary of the data used to create those plans;
- analyses of the maps using specified redistricting metrics;
- a written explanation if an alternative plan furthers redistricting criteria more than the final plan; and
- any other information the Commission used to comply with redistricting requirements.

A commissioner who votes against the redistricting plan must file a dissenting report explaining his or her decision.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We need to modernize and update these statutes to increase public confidence in redistricting. This takes steps we would expect in light of technological changes, such as providing increased opportunities for digital public input. When other states look to reform their redistricting processes, this will make them look to Washington as a national leader. Measurements and community engagement are important to the public in making our communities better. This bill says that we have a good

process, but defines how to make it better by providing a framework to build on how Washington is changing. This will lead to making better decisions; it is messy, but worth it. Dissenting commissioner views should be made public.

It is really important to have public hearings after preliminary maps are out so communities can have meaningful input. A dedicated language access position will help people who speak English as a second language. Many communities where English is not spoken struggle with how to engage in civic participation, but still have great ideas. In the last round of redistricting, the Yakama Nation was divided into two legislative districts, and there were questions in the community about why that happened. This provides a clear timeline for engaging the public so everyone can understand why recommendations were made. Language access is a real issue, as many families across the state rely on their children to translate for them, particularly in government interactions.

Persons Testifying: PRO: Representative Mike Pellicciotti, Prime Sponsor; Alison McCaffree, Karen Crowley, Marty Webb, League of Women Voters; Alex Hur, Washington Voting Justice Coalition; Kamau Chege, Washington Census Alliance; Oskar Zambrano, Giovanni Severino, Latino Community Fund.

Persons Signed In To Testify But Not Testifying: No one.