CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5266

Chapter 454, Laws of 2019

66th Legislature
2019 Regular Session

VOTING RIGHTS ACT--CHANGE TO ELECTION SYSTEM--SUBSEQUENT ELECTION
TIMING

EFFECTIVE DATE: May 21, 2019

Passed by the Senate April 23, 2019
  Yeas 27 Nays 19

CYRUS HABIB

President of the Senate

Passed by the House April 12, 2019
  Yeas 60 Nays 38

FRANK CHOPP

Speaker of the House of Representatives

Approved May 21, 2019 2:18 PM

CERTIFICATE

I, Brad Hendrickson, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **SUBSTITUTE SENATE
BILL 5266** as passed by the Senate
and the House of Representatives on
the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

May 21, 2019

JAY INSLEE

Governor of the State of Washington

Secretary of State
State of Washington

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington **66th Legislature** **2019 Regular Session**

By Senate State Government, Tribal Relations & Elections (originally sponsored by Senators Saldaña, Hunt, Hasegawa, McCoy, Keiser, and Das)

READ FIRST TIME 02/05/19.

1   AN ACT Relating to ensuring timely elections for governing body
2 members in jurisdictions modifying districting plans under the
3 Washington voting rights act; amending RCW 29A.92.050, 29A.92.110,
4 28A.343.670, 35.22.370, 35.23.051, 35.23.850, 35A.12.180, 52.14.013,
5 53.16.015, and 53.16.030; creating a new section; and declaring an
6 emergency.

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

8   **Sec. 1.** RCW 29A.92.050 and 2018 c 113 s 202 are each amended to
9 read as follows:
10   (1)(a) Prior to the adoption of its proposed plan, the political
11 subdivision must provide public notice to residents of the
12 subdivision about the proposed remedy to a potential violation of RCW
13 29A.92.020. If a significant segment of the residents of the
14 subdivision have limited English proficiency and speaks a language
15 other than English, the political subdivision must:
16   (i) Provide accurate written and verbal notice of the proposed
17 remedy in languages that diverse residents of the political
18 subdivision can understand, as indicated by demographic data; and
19   (ii) Air radio or television public service announcements
20 describing the proposed remedy broadcast in the languages that

diverse residents of the political subdivision can understand, as
indicated by demographic data.

(b) The political subdivision shall hold at least one public
hearing on the proposed plan at least one week before adoption.

(c) For purposes of this section, "significant segment of the
community" means five percent or more of residents, or five hundred
or more residents, whichever is fewer, residing in the political
subdivision.

(2)(a) If the political subdivision invokes its authority under
RCW 29A.92.040 and the plan is adopted during the period of time
between the first Tuesday after the first Monday of November and on
or before January 15th of the following year, the political
subdivision shall order new elections to occur at the next succeeding
general election.

(b) If the political subdivision invokes its authority under RCW
29A.92.040 and the plan is adopted during the period of time between
January 16th and on or before the first Monday of November, the next
election will occur as scheduled and organized under the current
electoral system, but the political subdivision shall order new
elections to occur pursuant to the remedy at the general election the
following calendar year.

(3) If a political subdivision implements a district-based
election system under RCW 29A.92.040(2), the plan shall be consistent
with the following criteria:

(a) Each district shall be as reasonably equal in population as
possible to each and every other such district comprising the
political subdivision.

(b) Each district shall be reasonably compact.

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

(d) To the extent feasible, the district boundaries shall
coincide with existing recognized natural boundaries and shall, to
the extent possible, preserve existing communities of related and
mutual interest.

(e) District boundaries may not be drawn or maintained in a
manner that creates or perpetuates the dilution of the votes of the
members of a protected class or classes.

(f) All positions on the governing body must stand for election
at the next election for the governing body, scheduled pursuant to

1 subsection (2) of this section. The governing body may subsequently
2 choose to stagger the terms of its positions.

3 (4) Within forty-five days after receipt of federal decennial
4 census information applicable to a specific local area, the
5 commission established in RCW 44.05.030 shall forward the census
6 information to each political subdivision.

7 (5) No later than eight months after its receipt of federal
8 decennial census data, the governing body of the political
9 subdivision that had previously invoked its authority under RCW
10 29A.92.040 to implement a district-based election system, or that was
11 previously charged with redistricting under RCW 29A.92.110, shall
12 prepare a plan for redistricting its districts, pursuant to RCW
13 29A.76.010, and in a manner consistent with this chapter ((113, Laws
14 of 2018)).

15 **Sec. 2.** RCW 29A.92.110 and 2018 c 113 s 403 are each amended to
16 read as follows:

17 (1) The court may order appropriate remedies including, but not
18 limited to, the imposition of a district-based election system. The
19 court may order the affected jurisdiction to draw or redraw district
20 boundaries or appoint an individual or panel to draw or redraw
21 district lines. The proposed districts must be approved by the court
22 prior to their implementation.

23 (2) Implementation of a district-based remedy is not precluded by
24 the fact that members of a protected class do not constitute a
25 numerical majority within a proposed district-based election
26 district. If, in tailoring a remedy, the court orders the
27 implementation of a district-based election district where the
28 members of the protected class are not a numerical majority, the
29 court shall do so in a manner that provides the protected class an
30 equal opportunity to elect candidates of their choice. The court may
31 also approve a district-based election system that provides the
32 protected class the opportunity to join in a coalition of two or more
33 protected classes to elect candidates of their choice if there is
34 demonstrated political cohesion among the protected classes.

35 (3) In tailoring a remedy after a finding of a violation of RCW
36 29A.92.020:

37 (a) If the court's order providing a remedy or approving proposed
38 districts, whichever is later, is issued during the period of time
39 between the first Tuesday after the first Monday of November and on

or before January 15th of the following year, the court shall order
new elections, conducted pursuant to the remedy, to occur at the next
succeeding general election. If a special filing period is required,
filings for that office shall be reopened for a period of three
business days, such three-day period to be fixed by the filing
officer.

(b) If the court's order providing a remedy or approving proposed
districts, whichever is later, is issued during the period of time
between January 16th and on or before the first Monday of November,
the next election will occur as scheduled and organized under the
current electoral system, but the court shall order new elections to
occur pursuant to the remedy at the general election the following
calendar year.

(c) The remedy may provide for the political subdivision to hold
elections for the members of its governing body at the same time as
regularly scheduled elections for statewide or federal offices. All
positions on the governing body must stand for election at the next
election for the governing body, scheduled pursuant to this
subsection (3). The governing body may subsequently choose to stagger
the terms of its positions.

(4) Within thirty days of the conclusion of any action filed
under RCW 29A.92.100, the political subdivision must publish on the
subdivision's web site, the outcome and summary of the action, as
well as the legal costs incurred by the subdivision. If the political
subdivision does not have its own web site, then it may publish on
the county web site.

Sec. 3. RCW 28A.343.670 and 2015 c 53 s 15 are each amended to
read as follows:

The school boards of any school district of the first class
having within its boundaries a city with a population of four hundred
thousand people or more shall establish the director district
boundaries. Appointment of a board member to fill any vacancy
existing for a new director district prior to the next regular school
election shall be by the school board. Prior to the next regular
election in the school district and the filing of declarations of
candidacy therefor, the incumbent school board shall designate said
director districts by number. Directors appointed to fill vacancies
as above provided shall be subject to election, one for a six-year
term, and one for a two-year term and thereafter the term of their

respective successors shall be for four years. The term of office of
incumbent members of the board of such district shall not be affected
by RCW 28A.343.300, 28A.343.600, 28A.343.610, 28A.343.660, and
((28A.343.670)) this section. If the district is changing its
director district boundaries under RCW 29A.92.040 or 29A.92.110, all
director positions are subject to election at the next regular
election.

Sec. 4. RCW 35.22.370 and 1965 c 7 s 35.22.370 are each amended
to read as follows:
     Notwithstanding that the charter of a city of the first class may
forbid the city council from redividing the city into wards except at
stated periods, if the city has failed to redivide the city into
wards during any such period, the city council by ordinance may do so
at any time thereafter: PROVIDED, That there shall not be more than
one redivision into wards during any one period specified in the
charter unless pursuant to RCW 29A.92.040 or 29A.92.110.

Sec. 5. RCW 35.23.051 and 2015 c 53 s 39 are each amended to
read as follows:
     General municipal elections in second-class cities shall be held
biennially in the odd-numbered years and shall be subject to general
election law.
     The terms of office of the mayor, city attorney, clerk, and
treasurer shall be four years and until their successors are elected
and qualified and assume office in accordance with RCW 29A.60.280:
PROVIDED, That if the offices of city attorney, clerk, and treasurer
are made appointive, the city attorney, clerk, and treasurer shall
not be appointed for a definite term: PROVIDED FURTHER, That the term
of the elected treasurer shall not commence in the same biennium in
which the term of the mayor commences, nor in which the terms of the
city attorney and clerk commence if they are elected.
     Council positions shall be numbered in each second-class city so
that council position seven has a two-year term of office and council
positions one through six shall each have four-year terms of office.
Each councilmember shall remain in office until a successor is
elected and qualified and assumes office in accordance with RCW
29A.60.280.
     In its discretion the council of a second-class city may divide
the city by ordinance, into a convenient number of wards, not

exceeding six, fix the boundaries of the wards, and change the ward
boundaries from time to time and as provided in RCW 29A.76.010. No
change in the boundaries of any ward shall be made within one hundred
twenty days next before the date of a general municipal election, nor
within twenty months after the wards have been established or altered
unless pursuant to RCW 29A.92.040 or 29A.92.110. However, if a
boundary change results in one ward being represented by more
councilmembers than the number to which it is entitled, those having
the shortest unexpired terms shall be assigned by the council to
wards where there is a vacancy, and the councilmembers so assigned
shall be deemed to be residents of the wards to which they are
assigned for purposes of determining whether those positions are
vacant.

   Whenever such city is so divided into wards, the city council
shall designate by ordinance the number of councilmembers to be
elected from each ward, apportioning the same in proportion to the
population of the wards. Thereafter the councilmembers so designated
shall be elected by the voters resident in such ward, or by general
vote of the whole city as may be designated in such ordinance.
Council position seven shall not be associated with a ward and the
person elected to that position may reside anywhere in the city and
voters throughout the city may vote at a primary to nominate
candidates for position seven, when a primary is necessary, and at a
general election to elect the person to council position seven.
Additional territory that is added to the city shall, by act of the
council, be annexed to contiguous wards without affecting the right
to redistrict at the expiration of twenty months after last previous
division. The removal of a councilmember from the ward for which he
or she was elected shall create a vacancy in such office.

   Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards
shall be used as follows: (1) Only a resident of the ward may be a
candidate for, or hold office as, a councilmember of the ward; and
(2) only voters of the ward may vote at a primary to nominate
candidates for a councilmember of the ward. Voters of the entire city
may vote at the general election to elect a councilmember of a ward,
unless the city had prior to January 1, 1994, limited the voting in
the general election for any or all council positions to only voters
residing within the ward associated with the council positions. If a
city had so limited the voting in the general election to only voters
residing within the ward, then the city shall be authorized to

1 continue to do so. The elections for the remaining council position
2 or council positions that are not associated with a ward shall be
3 conducted as if the wards did not exist.

4   **Sec. 6.** RCW 35.23.850 and 2015 c 53 s 41 are each amended to
5 read as follows:
6   In any city initially classified as a second-class city prior to
7 January 1, 1993, that retained its second-class city plan of
8 government when the city reorganized as a noncharter code city, the
9 city council may divide the city into wards, not exceeding six in
10 all, or change the boundaries of existing wards at any time less than
11 one hundred twenty days before a municipal general election. Unless
12 the city is dividing into wards or changing the boundaries of
13 existing wards under RCW 29A.92.040 or 29A.92.110, no change in the
14 boundaries of wards shall affect the term of any councilmember, and
15 councilmembers shall serve out their terms in the wards of their
16 residences at the time of their elections. However, if these boundary
17 changes result in one ward being represented by more councilmembers
18 than the number to which it is entitled, those having the shortest
19 unexpired terms shall be assigned by the council to wards where there
20 is a vacancy, and the councilmembers so assigned shall be deemed to
21 be residents of the wards to which they are assigned for purposes of
22 determining whether those positions are vacant.
23   If the city is dividing into wards or changing the boundaries of
24 existing wards under RCW 29A.92.040 or 29A.92.110, all council
25 positions are subject to election at the next regular election.
26   The representation of each ward in the city council shall be in
27 proportion to the population as nearly as is practicable.
28   Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards
29 shall be used as follows: (1) Only a resident of the ward may be a
30 candidate for, or hold office as, a councilmember of the ward; and
31 (2) only voters of the ward may vote at a primary to nominate
32 candidates for a councilmember of the ward. Voters of the entire city
33 may vote at the general election to elect a councilmember of a ward,
34 unless the city had prior to January 1, 1994, limited the voting in
35 the general election for any or all council positions to only voters
36 residing within the ward associated with the council positions. If a
37 city had so limited the voting in the general election to only voters
38 residing within the ward, then the city shall be authorized to
39 continue to do so. The elections for the remaining council position

1 or council positions that are not associated with a ward shall be
2 conducted as if the wards did not exist.

3   **Sec. 7.** RCW 35A.12.180 and 2015 c 53 s 53 are each amended to
4 read as follows:
5   At any time not within three months previous to a municipal
6 general election the council of a noncharter code city organized
7 under this chapter may divide the city into wards or change the
8 boundaries of existing wards. Unless the city is dividing into wards
9 or changing the boundaries of existing wards under RCW 29A.92.040 or
10 29A.92.110, no change in the boundaries of wards shall affect the
11 term of any councilmember, and councilmembers shall serve out their
12 terms in the wards of their residences at the time of their
13 elections: PROVIDED, That if this results in one ward being
14 represented by more councilmembers than the number to which it is
15 entitled those having the shortest unexpired terms shall be assigned
16 by the council to wards where there is a vacancy, and the
17 councilmembers so assigned shall be deemed to be residents of the
18 wards to which they are assigned for purposes of those positions
19 being vacant. The representation of each ward in the city council
20 shall be in proportion to the population as nearly as is practicable.
21   If the city is dividing into wards or changing the boundaries of
22 existing wards under RCW 29A.92.040 or 29A.92.110, all council
23 positions are subject to election at the next regular election.
24   Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards
25 shall be used as follows: (1) Only a resident of the ward may be a
26 candidate for, or hold office as, a councilmember of the ward; and
27 (2) only voters of the ward may vote at a primary to nominate
28 candidates for a councilmember of the ward. Voters of the entire city
29 may vote at the general election to elect a councilmember of a ward,
30 unless the city had prior to January 1, 1994, limited the voting in
31 the general election for any or all council positions to only voters
32 residing within the ward associated with the council positions. If a
33 city had so limited the voting in the general election to only voters
34 residing within the ward, then the city shall be authorized to
35 continue to do so.

36   **Sec. 8.** RCW 52.14.013 and 2012 c 174 s 3 are each amended to
37 read as follows:

The board of fire commissioners of a fire protection district may
adopt a resolution by unanimous vote causing a ballot proposition to
be submitted to voters of the district authorizing the creation of
commissioner districts. The board of fire commissioners shall create
commissioner districts if the ballot proposition authorizing the
creation of commissioner districts is approved by a simple majority
vote of the voters of the fire protection district voting on the
proposition. Three commissioner districts shall be created for a fire
protection district with three commissioners, five commissioner
districts shall be created for a fire protection district with five
commissioners, and seven commissioner districts shall be created for
a fire protection district with seven commissioners. No two
commissioners may reside in the same commissioner district.

No change in the boundaries of any commissioner district shall be
made within one hundred twenty days next before the date of a general
district election, nor within twenty months after the commissioner
districts have been established or altered unless pursuant to RCW
29A.92.040 or 29A.92.110. However, if a boundary change results in
one commissioner district being represented by two or more
commissioners, those commissioners having the shortest unexpired
terms shall be assigned by the commission to commissioner districts
where there is a vacancy, and the commissioners so assigned shall be
deemed to be residents of the commissioner districts to which they
are assigned for purposes of determining whether those positions are
vacant.

The population of each commissioner district shall include
approximately equal population. Commissioner districts shall be
redrawn as provided in chapter 29A.76 RCW. Commissioner districts
shall be used as follows: (1) Only a registered voter who resides in
a commissioner district may be a candidate for, or serve as, a
commissioner of the commissioner district; and (2) only voters of a
commissioner district may vote at a primary to nominate candidates
for a commissioner of the commissioner district. Voters of the entire
fire protection district may vote at a general election to elect a
person as a commissioner of the commissioner district.

When a board of fire commissioners that has commissioner
districts has been increased to five or seven members under RCW
52.14.015, the board of fire commissioners shall divide the fire
protection district into five or seven commissioner districts before
it appoints the two or four additional fire commissioners. The two or

1 four additional fire commissioners who are appointed shall reside in
2 separate commissioner districts in which no other fire commissioner
3 resides.

4   **Sec. 9.** RCW 53.16.015 and 2015 c 53 s 82 are each amended to
5 read as follows:
6   The port commission of a port district that uses commissioner
7 districts may redraw the commissioner district boundaries as provided
8 in chapter 29A.76 RCW or RCW 29A.92.040 or 29A.92.110 at any time and
9 submit the redrawn boundaries to the county auditor if the port
10 district is not coterminous with a county that has the same number of
11 county legislative authority districts as the port has port
12 commissioners. The new commissioner districts shall be used at the
13 next election at which a port commissioner is regularly elected that
14 occurs at least one hundred eighty days after the redrawn boundaries
15 have been submitted. Each commissioner district shall encompass as
16 nearly as possible the same population.

17   **Sec. 10.** RCW 53.16.030 and 1992 c 146 s 11 are each amended to
18 read as follows:
19   Any change of boundary lines provided for in this chapter shall
20 not affect the term for which a commissioner shall hold office at the
21 time the change is made. If the port district commission is redrawing
22 the commissioner district boundaries pursuant to RCW 29A.92.040 or
23 29A.92.110, each commissioner position is subject to election at the
24 next general election.

25   NEW SECTION. **Sec. 11.** This act applies retroactively to January
26 16, 2019.

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

31   NEW SECTION. **Sec. 13.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of
33 the state government and its existing public institutions, and takes
34 effect immediately.

Passed by the Senate April 23, 2019.
Passed by the House April 12, 2019.
Approved by the Governor May 21, 2019.
Filed in Office of Secretary of State May 21, 2019.

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