

CERTIFICATION OF ENROLLMENT

SENATE BILL 5583

Chapter 48, Laws of 2022

67th Legislature
2022 Regular Session

LOCAL REDISTRICTING—INCARCERATED PERSONS—ADJUSTED CENSUS

EFFECTIVE DATE: June 9, 2022—Except for section 2, which takes effect January 1, 2023.

Passed by the Senate February 8, 2022
Yeas 28 Nays 21

DENNY HECK

President of the Senate

Passed by the House March 1, 2022
Yeas 88 Nays 7

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved March 11, 2022 10:44 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5583** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 11, 2022

**Secretary of State
State of Washington**

SENATE BILL 5583

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By Senators Trudeau, Hunt, Das, Dhingra, Hasegawa, Keiser, Kuderer, Lovelett, Mullet, Nguyen, Nobles, Randall, Rivers, Saldaña, Stanford, Wellman, and C. Wilson

Prefiled 12/22/21. Read first time 01/10/22. Referred to Committee on State Government & Elections.

1 AN ACT Relating to requiring the adjustment of census data for
2 local redistricting to reflect the last known place of residence for
3 incarcerated persons; amending RCW 29A.76.010 and 29A.76.010;
4 providing an effective date; and providing an expiration date.

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

6 **Sec. 1.** RCW 29A.76.010 and 2021 c 173 s 1 are each amended to
7 read as follows:

8 (1) It is the responsibility of each county, municipal
9 corporation, and special purpose district with a governing body
10 comprised of internal director, council, or commissioner districts
11 not based on statutorily required land ownership criteria to
12 periodically redistrict its governmental unit, based on population
13 information from the most recent federal decennial census as adjusted
14 by RCW 44.05.140.

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

20 (3) Except as otherwise provided in chapter 301, Laws of 2018,
21 the governing body of the municipal corporation, county, or district

1 shall prepare a plan for redistricting its internal or director
2 districts:

3 (a) By December 31, 2021, if the jurisdiction is scheduled to
4 elect members to its governing body in 2022; or

5 (b) By November 15, 2022, if the jurisdiction is not scheduled to
6 elect members to its governing body in 2022.

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

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

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

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

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

17 (e) To the extent feasible and if not inconsistent with the basic
18 enabling legislation for the municipal corporation, county, or
19 district, the district boundaries shall coincide with existing
20 recognized natural boundaries and shall, to the extent possible,
21 preserve existing communities of related and mutual interest.

22 (5) During the adoption of its plan, the municipal corporation,
23 county, or district shall ensure that full and reasonable public
24 notice of its actions is provided. Before adopting the plan, the
25 municipal corporation, county, or district must:

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

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

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

1 compliance with the applicable redistricting criteria set out in
2 subsection (4) of this section.

3 (b) If the superior court finds the plan to be consistent with
4 the requirements of this section, the plan shall take effect
5 immediately.

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

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

15 **Sec. 2.** RCW 29A.76.010 and 2021 c 173 s 2 are each amended to
16 read as follows:

17 (1) It is the responsibility of each county, municipal
18 corporation, and special purpose district with a governing body
19 comprised of internal director, council, or commissioner districts
20 not based on statutorily required land ownership criteria to
21 periodically redistrict its governmental unit, based on population
22 information from the most recent federal decennial census as adjusted
23 by RCW 44.05.140.

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 chapter 301, Laws of 2018, no
30 later than November 15th of each year ending in one, the governing
31 body of the municipal corporation, county, or district shall prepare
32 a plan for redistricting its internal or director districts.

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

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

38 (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 must:

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

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

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

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

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

37 (d) If the superior court finds that any request for review is
38 frivolous or has been filed solely for purposes of harassment or
39 delay, it may impose appropriate sanctions on the party requesting

1 review, including payment of attorneys' fees and costs to the
2 respondent municipal corporation, county, or district.

3 NEW SECTION. **Sec. 3.** Section 1 of this act expires January 1,
4 2023.

5 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect January
6 1, 2023.

Passed by the Senate February 8, 2022.

Passed by the House March 1, 2022.

Approved by the Governor March 11, 2022.

Filed in Office of Secretary of State March 11, 2022.

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