

ESHB 1048 - S AMD 280
By Senator Wagoner

NOT ADOPTED 04/05/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The task force on enhancing the
4 voting rights act is created.

5 (2) The task force shall consist of the following members:

6 (a) The secretary of state or his or her designee;

7 (b) One member of the senate majority caucus, appointed by the
8 senate majority leader;

9 (c) One member of the senate minority caucus, appointed by the
10 senate minority leader;

11 (d) One member of the house of representatives majority caucus,
12 appointed by the speaker of the house of representatives;

13 (e) One member of the house of representatives minority caucus,
14 appointed by the house of representatives minority leader;

15 (f) The attorney general or his or her designee;

16 (g) Two county auditors, one from a county located west of the
17 crest of the Cascade mountains and one from a county located east of
18 the crest of the Cascade mountains, appointed by the Washington
19 association of county auditors;

20 (h) One professor with expertise in Washington elections and
21 redistricting law from an institution of higher education located in
22 the state, appointed by the governor;

23 (i) One member appointed by the association of Washington cities;
24 and

25 (j) One member appointed by the Washington state association of
26 counties.

27 (3) The task force shall examine, including through conducting
28 public hearings, improvements to law to enhance the operation of the
29 voting rights act, chapter 29A.92 RCW, including the following
30 issues:

31 (a) Reimbursement for costs incurred for research to develop a
32 notice of a claim of a violation of the voting rights act, including:

1 (i) What changes to a political subdivision's electoral scheme
2 are required for a claimant or plaintiff to be considered prevailing
3 and entitled to any recovery of costs incurred for research to
4 develop the notice of a claim;

5 (ii) At what level reimbursement should be capped; and

6 (iii) Any other recommendations regarding reimbursement of
7 prenotice or presuit research costs to increase the fairness of local
8 elections and encourage settlement of claims;

9 (b) Improvements to law to clarify the standing of coalitions of
10 protected classes, organizations representing interested groups, and
11 Indian tribes to bring claims;

12 (c) Clarifications to current law which would make it easier for
13 courts to interpret provisions, assign burdens of proof, and
14 construct statutes;

15 (d) An examination of the current status of elections in
16 political subdivisions in the state, including the structures of
17 political subdivisions, and whether any discriminatory impact exists
18 that could be remedied by changes to law; and

19 (e) Any other modifications to the voting rights act to ensure
20 equal opportunity for all groups to elect candidates of their choice,
21 timely resolution of claims, and decreased costs for all parties.

22 (4) The task force may elect a member to serve as chair.

23 (5) Staff support for the task force shall be provided by the
24 office of the secretary of state.

25 (6) The task force shall prepare recommendations which must be
26 contained in a report submitted to the relevant committees of the
27 legislature by December 1, 2024.

28 (7) Legislative members of the task force may be reimbursed for
29 travel expenses in accordance with RCW 44.04.120. Nonlegislative
30 members, except those representing an employer, governmental entity,
31 or other organization, are entitled to be reimbursed for travel
32 expenses as provided in RCW 43.03.050 and 43.03.060.

33 (8) This section expires December 31, 2024."

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1 On page 1, line 1 of the title, after "act;" strike the remainder
2 of the title and insert "creating a new section; and providing an
3 expiration date."

EFFECT: Strikes all provisions in the underlying bill and creates a task force to study and make recommendations to the Legislature on improvements to the Washington Voting Rights Act, including on recovery of costs to develop a claim, standing of certain parties, rules of statutory construction, and other areas.

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