

# SENATE BILL REPORT

## SB 5106

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As of January 9, 2023

**Title:** An act relating to updating timelines for adopting county commissioner district boundaries following expansion from three to five commissioners.

**Brief Description:** Updating timelines for adopting county commissioner district boundaries following expansion from three to five commissioners.

**Sponsors:** Senator Hunt; by request of Secretary of State.

**Brief History:**

**Committee Activity:** Local Government, Land Use & Tribal Affairs: 1/12/23.

**Brief Summary of Bill**

- Changes the date by which county commissioners must adopt a resolution creating five districts if voters approve to increase the number of commissioners from three to five.
- Changes the date by which the prosecuting attorney must petition superior court to appoint a referee to designate the five commissioner districts.
- Changes the date by which a referee must designate the five districts if voters approve to increase the number of commissioners from three to five and then did not adopt a resolution by the deadline.

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**SENATE COMMITTEE ON LOCAL GOVERNMENT, LAND USE & TRIBAL AFFAIRS**

**Staff:** Karen Epps (786-7424)

**Background:** The State Constitution broadly sets out the form of county government in the state, including the establishment of county commissions as the governing body of the

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county. The State Constitution also allows counties to adopt their own form of government by county charter. The Legislature may proscribe the election, terms of office, and duties of the non-charter county commissioners, as well as other county officials.

Under state law, non-charter county commissions are comprised of a three-member board, elected on a partisan basis to four-year staggered terms. Any non-charter county with a population of 400,000 or more must have a board of commissioners with five members.

Each county is divided into districts to correspond with the number of commissioner positions. Each commissioner district must have approximately the same population. Candidates for each commissioner position are nominated in a district-based primary by voters from the district. Qualifying candidates from all districts then run in a countywide general election, with voters of the entire county electing the commissioners for each commissioner position.

Any county with a population greater than 300,000 and less than 400,000 may voluntarily increase the number of commissioners from three to five, with voter approval. If approved, the two newly created positions must be filled at elections to be held in the next year. The county must be divided into five commissioner districts, so that each district comprises approximately the same population. At the time of designation of the five districts, no two members of the existing board of county commissioners may permanently reside in one of the five districts.

By the second Monday of March of the year following the election, the county commissioners must adopt a resolution creating the districts. If by the second Tuesday of March of the year following the election the county commissioners have failed to create the districts, the prosecuting attorney of the county must petition the superior court to appoint a referee to designate the five commissioner districts. The referee must designate such districts no later than June 1st of the year following the election.

**Summary of Bill:** County Commissioners must adopt a resolution creating five commissioner districts by the 90th day prior to the first day of filing week, rather than by the second Monday of March of the year following the election. If by the 89th day prior to the first day of filing week of the year following the election the county commissioners have failed to create the districts, the prosecuting attorney of the county must petition the superior court to appoint a referee to designate the five commissioner districts. The referee must designate such districts no later than the 60th day prior to the first day of filing week of the year following the election, rather than by June 1st of that year.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

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