

Title 417 WAC

REDISTRICTING COMMISSION

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Chapter 417-01 WAC ADMINISTRATIVE PROCEDURES

WAC

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WAC 417-01-100 Purpose. The purpose of these rules is to establish administrative rules for the Washington state redistricting commission and to implement the provisions of article 2, section 43 of the state constitution and chapter 44.05 RCW.

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-01-100, filed 9/19/91, effective 10/20/91.]

WAC 417-01-105 Description of organization. The Washington state redistricting commission is a five member commission appointed in accordance with article 2, section 43 of the state constitution and chapter 44.05 RCW. The membership consists of four voting members appointed by the leaders of the two largest political caucuses in the senate and house of representatives. The commission chair is selected by the voting members. The administrative office of the commission is located at the Washington State Redistricting Commission, Suite 306, 1110 Capitol Way South, Olympia, Washington 98504. The commission's phone number is (360) 786-7935.

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-01-105, filed 9/19/91, effective 10/20/91.]

WAC 417-01-110 Commission responsibilities and duties. Pursuant to article 2, section 43 of the state constitution and chapter 44.05 RCW, the commission's duties are:

- (1) To accomplish state legislative and congressional redistricting;
- (2) To act as the legislature's recipient of the final redistricting data and maps from the United States Bureau of the Census;
- (3) To disclose and preserve public records as specified in chapters 40.14 and 42.17 RCW;

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(4) To hold open public meetings pursuant to the Open Public Meetings Act;

(5) To prepare and disclose its minutes pursuant to RCW 42.32.030;

(6) To prepare and publish a report with a redistricting plan as provided in RCW 44.05.080(7);

(7) To distribute census data to counties for local redistricting as required by chapter 29.70 RCW.

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-01-110, filed 9/19/91, effective 10/20/91.]

WAC 417-01-115 Authority. These rules are adopted pursuant to the requirements of RCW 44.05.080(1) and the Administrative Procedures Act, chapter 34.05 RCW.

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-01-115, filed 9/19/91, effective 10/20/91.]

WAC 417-01-120 Definitions. The following definitions shall apply throughout this title:

(1) "Commission" shall mean the Washington state redistricting commission established pursuant to article II, section 43 of the state constitution and RCW 44.05.030;

(2) "Commissioners" shall mean the four voting commissioners appointed to the commission pursuant to article II, section 43 of the state constitution and RCW 44.05.030;

(3) "Chair" shall mean the nonvoting chairperson of the commission, appointed by the voting members pursuant to article II, section 43 of the state constitution and RCW 44.05.030(3).

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-01-120, filed 9/19/91, effective 10/20/91.]

WAC 417-01-125 Offices. The offices of the commission, and its mailing address, shall be Suite 306, 1110 Capitol Way South, Olympia, Washington 98504. Office hours for the commission shall be from 8 a.m. to 5 p.m. on all normal business days. Office hours for inspection and copying of public records shall be as provided in chapter two hereof.

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-01-125, filed 9/19/91, effective 10/20/91.]

WAC 417-01-130 Officers. (1) There shall be an executive director of the commission who shall be responsible to the commission for the overall administration of the commission and its business, and who shall have such other duties and responsibilities as the commission may from time to time decide.

(2) There shall be a director of operations of the commission who shall be responsible to the commission for the acquisition, management and use of the commission's technical equipment, and who shall have such related duties

and responsibilities as the commission may from time to time decide.

(3) The executive director and the director of operations shall report to the chair.

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-01-130, filed 9/19/91, effective 10/20/91.]

WAC 417-01-135 Staff. The executive director shall appoint such assistants and employees as may be appropriate and necessary to the functions of the commission, and shall supervise the assistants and employees. The executive director shall coordinate the appointment and supervision of technical staff employees with the director of operations.

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-01-135, filed 9/19/91, effective 10/20/91.]

WAC 417-01-140 Professional advisors. The commission may, by majority vote, appoint attorneys, advisors and others to assist it in the conduct of its duties, and they shall have such duties and receive such compensation and reimbursement as the commission may from time to time, by majority vote, determine. The chair, upon approval by a majority of the commission's voting members, shall authorize the payment of necessary expenses of a witness incurred in testifying at the invitation of the commission.

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-01-140, filed 9/19/91, effective 10/20/91.]

WAC 417-01-145 Political activities. Neither the chair, nor any commissioner shall:

(1) Campaign, as a candidate, for any elective office while a member of the commission;

(2) Actively participate in or contribute to any political campaign of any candidate for any state or federal elective office while a member of the commission;

(3) Hold or campaign for a seat in the U.S. Congress or in the legislature of this state until two years have elapsed following the effective date of the 1992 redistricting plan adopted pursuant to RCW 44.05.100.

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-01-145, filed 9/19/91, effective 10/20/91.]

WAC 417-01-150 Schedule of meetings. (1) Regular meetings: The commission shall meet monthly during the months of April 1991 through December 1991 on the second Thursday of the month, at the commission's offices in Olympia, at 4 p.m., unless they shall appoint a different day, time or place.

(2) Special meetings: The commission shall meet at other times and places, at the call of the chair or of a majority of the commissioners. Notice of special meetings shall be given as far in advance as may be practical, to the press and to all others who have requested notice of commission meetings.

(3) Agenda: The chair, or the commission majority calling a special meeting, shall propose an agenda for the meeting, which shall be distributed to commissioners, to the press, and to others who have requested notice, at the earliest practical date prior to the meeting.

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-01-150, filed 9/19/91, effective 10/20/91.]

WAC 417-01-155 Conduct of commission business.

(1) Three voting members of the commission shall constitute a quorum for the conduct of business.

(2) The votes of any three of the commissioners shall be required for any official action of the commission: *Provided*, That the chair shall have the authority on behalf of the commission to execute contracts and leases, and approve expenditures and reimbursements, related to the business of the commission. The chair may, without the prior approval of the commission, authorize expenditures for equipment and supplies not to exceed \$10,000. Expenditures made pursuant to this section shall be reported as a separate item on the agenda at the next commission meeting.

(3) The chair shall not have a vote at any meeting of the commission.

(4) Commission meetings shall be conducted in accordance with the Open Meetings Act (chapter 42.30 RCW).

(5) The commission shall not adopt any redistricting plan, or partial redistricting plan, except at a public meeting, notice of which has been given in accordance with these rules.

(6) The commission shall not take any action by secret ballot.

(7) When not inconsistent with the state constitution, statute, or these rules, parliamentary matters before the commission shall be governed by Reed's Parliamentary Rules.

(8) Motions shall not require a second in order to be placed before the commission for a vote.

(9) All public meetings of the commission shall be electronically recorded. The minutes and tapes thereof shall be available to the public in accordance with the rules regarding access to public records held by the commission. The commission shall provide for presence of a court reporter at commission meetings for the purpose of recording public testimony regarding a districting plan. A typewritten transcript of such testimony shall be prepared as soon as possible after such hearings and shall be made available to the public in accordance with the rules regarding access to public records held by the commission. The shorthand transcript of a court reporter prepared pursuant to this section shall become part of the official records of the commission.

(10) Except as provided in this section, the chair shall preside at all meetings. In the event of the chair's absence the commission shall select from among the voting members a temporary chair to preside in the chair's absence. The position of temporary chair shall alternate between a member of the two parties represented on the commission.

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-01-155, filed 9/19/91, effective 10/20/91.]

Chapter 417-06 WAC

THIRD PARTY SUBMISSIONS

WAC

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WAC 417-06-100 Purpose. The commission encourages individuals and interest groups to submit proposed redistricting plans to the commission. The purpose of this chapter is to establish methods by which such plans may be submitted to the commission.

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-06-100, filed 9/19/91, effective 10/20/91.]

WAC 417-06-110 Definitions. As used in this chapter:

(1) All words and phrases defined in chapter one of this title (WAC 417-01-105) shall have the same meaning for the purposes of this chapter.

(2) "Commission plan" means a proposed plan of redistricting, including any amendment to a proposed plan of redistricting, that is submitted to the commission by a commissioner, or by the chair or the staff of the commission. It also means a plan of redistricting, including any amendment to a proposed plan of redistricting, that is prepared by or at the direction of one or more of the commissioners.

(3) "Formal plan" means a redistricting plan other than a commission plan that meets the requirements of WAC 417-06-130 and that covers all of the territory of the state, or that covers at least all of the territory of the state that lies to the east of, or to the west of, the crest of the Cascade range.

(4) "Informal plan" means a redistricting plan other than a commission plan that does not qualify as a formal plan.

(5) "Third party amendment" means a proposal for an amendment to a commission plan or a third party plan, submitted to the commission by an individual or interest group other than the commissioners or the chair or staff of the commission. A third party amendment may be a formal plan or an informal plan.

(6) "Third party plan" means a plan of redistricting that is a formal plan or an informal plan or a third party amendment, submitted to the commission by an individual or interest group other than the commissioners or the chair or staff of the commission.

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-06-110, filed 9/19/91, effective 10/20/91.]

WAC 417-06-120 Requirements applicable to third party plans. Any third party plan must adhere to the statutory requirements applicable to commission plans, in art. 2, sec. 43 of the constitution of the state of Washington and RCW 44.05.090. Copies of these constitutional and statutory provisions are attached to this chapter.

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-06-120, filed 9/19/91, effective 10/20/91.]

WAC 417-06-130 Format for formal plans. Any formal plan submitted to the commission should be submitted in one of the following approved formats:

Paper maps: The commission will have available for public purchase 11-inch x 17-inch paper maps, created using geographic data provided by the U.S. Bureau of the Census.

The maps will be sold for an amount (to be established by the executive director) sufficient to cover the cost to the commission of producing the map copies. Map scale will vary, depending on the population density in the area covered. Maps may be purchased singly or in sets. Individuals and groups may submit formal plans using such maps. Submissions should be made on the maps provided by the commission, or on full-size copies thereof. Explanations of the commission's maps, and instructions to users for submission of formal plans, are available free of charge from the commission.

Electronic disks: Individuals and groups may submit formal plans on 3.5-inch or 5.25-inch floppy disks in MS-DOS, ASCII format approved by the National Conference of State Legislatures and the U.S. Department of Justice. Materials explaining this format are available free of charge from the commission. The commission has disks available for sale in the CD-ROM format which include census and geographic data.

Individuals and groups submitting formal plans should supplement their paper map or data disk submissions with a narrative explanation of the plan's compliance with the constitutional and statutory requirements identified in WAC 417-06-120. They may also include with the formal plan such other supporting materials and data as they deem appropriate.

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-06-130, filed 9/19/91, effective 10/20/91.]

WAC 417-06-140 Format for informal plans. The commission requests that individuals and interest groups submitting informal plans use the paper map or electronic disk formats that are required for formal plans. Informal plans that are submitted in nonconforming formats may not be capable of being tested for population data against the census geography that is incorporated in the commission's systems.

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-06-140, filed 9/19/91, effective 10/20/91.]

WAC 417-06-150 Time and place of submissions. Early submission of third party plans is encouraged. All submissions should be mailed or delivered to the commission's office (not to a commissioner) in Olympia, or they may be presented to commission staff at any public hearing held by the commission.

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-06-150, filed 9/19/91, effective 10/20/91.]

WAC 417-06-160 Public access to third party plans. Any third party plan submitted to the commission, together with any supporting materials or data submitted in connection therewith, will be a public document, subject to inspection and copying in compliance with the commission's rules with respect to public records (chapter 417-02 WAC).

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-06-160, filed 9/19/91, effective 10/20/91.]

WAC 417-06-170 Public rights in third party plans. The submission of any third party plan to the commission

shall be deemed for all purposes a release and waiver, and an unconditional assignment to the state, of any proprietary or ownership rights therein, and in any materials or data submitted in connection therewith. The commission, the state supreme court, and any other person or entity shall have the free and unrestricted right to make any use whatever, without any charge and free of any trademark, copyright or similar restriction, of all or any part of any such third party plan, and any such materials or data.

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-06-170, filed 9/19/91, effective 10/20/91.]