

WSR 21-13-073
EXPEDITED RULES
REDISTRICTING COMMISSION
[Filed June 15, 2021, 8:36 a.m.]

Title of Rule and Other Identifying Information: Chapter 417-06 WAC, Third party submissions.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The redistricting commission has reestablished itself since the last redistricting exercise in 2011-2012 and its third party submissions rules need to be updated to reflect the technologies being used in this redistricting cycle. The rules also need to reflect the challenges posed to this decennial redistricting cycle given the pandemic. The proposal allows for the submission of written, graphic, audio or video files from individuals or interest groups. Prior to receipt of the PL 94-171 data from the Census Bureau, it explains how to submit third-party comments and descriptions of communities of interest. Once data is received, the rule describes the parameters of a formal third-party plan, encouraging the use of the MyDistricting mapping tool or similar programs.

Reasons Supporting Proposal: In the last ten years, the development of open source online redistricting software and the more pervasive public use of online tools has enabled the public to engage with the redistricting process effectively using these online softwares. There is less interest and use of paper maps and CD-ROMs. The commission has also revamped its website and offers on that website all of the tools mentioned in the revised WAC to allow for the submission of written, graphic, audio or video files from individuals or interest groups.

Statutory Authority for Adoption: RCW 44.05.080(1). The commission is obliged to adopt rules pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to carry out the provisions of Article II, section 43 of the state constitution and chapter 44.05 RCW.

Statute Being Implemented: Article II, section 43 of the state Constitution and chapter 44.05 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state redistricting commission, governmental.

Name of Agency Personnel Responsible for Drafting: Lorri Showalter, 1007 Washington Street S.E., Olympia, WA, 360-790-8534; Implementation: Lisa McLean, 1007 Washington Street S.E., Olympia, WA, 360-522-0373; and Enforcement: Sarah Augustine, 1007 Washington Street S.E., Olympia, WA, 360-999-5209.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The redistricting commission discussed and approved this rule revision at a special meeting held on June 7, 2021.

This notice meets the following criteria to use the expedited adoption process for these rules:

Relates only to internal governmental operations that are not subject to violation by a person.

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The commission has an obligation to explain to the public how it will be accepting public comment. The procedure has changed since the last redistricting cycle due to advances

in technology. Thus, the commission is laying out its revised internal governmental operations.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Lisa McLean, Washington State Redistricting Commission, P.O. Box 40948, Olympia, WA 98504-0948, phone 360-999-5209, email Lisa.McLean@redistricting.wa.gov, AND RECEIVED BY August 23, 2021.

June 15, 2021
Lisa McLean
Executive Director

OTS-3119.1

Chapter 417-06 WAC
THIRD-PARTY SUBMISSIONS

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

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

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

AMENDATORY SECTION (Amending WSR 01-13-123, filed 6/20/01, effective 7/9/01)

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

(1) All words and phrases defined in chapter one of this title (WAC 417-01-120) and RCW 44.05.020 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 third-party 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) "Partial ~~((formal))~~ third-party plan" means a plan other than a commission plan that would qualify as a formal third-party plan except that it covers a smaller geographical area than a formal third-party plan.

(5) "~~((Informal plan))~~ Description of a community of interest" means a ~~((redistricting plan))~~ written, graphic, audio or video file submitted by an individual or interest group other than ((a)) the commission ((plan that does not qualify as a formal plan or a partial formal plan)) that explains or portrays an area or areas that make up a recognized community of interest.

(6) "Third-party ~~((amendment))~~ comment" means a written, graphic, audio or video 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))~~ comment may be a formal third-party plan, a partial ~~((formal))~~ third-party plan, or ~~((an informal plan))~~ a description of a community of interest.

~~((7)) "Third party plan" means a plan of redistricting that is a formal plan, a partial formal plan, 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). WSR 01-13-123, § 417-06-110, filed 6/20/01, effective 7/9/01; WSR 91-20-006, § 417-06-110, filed 9/19/91, effective 10/20/91.]

AMENDATORY SECTION (Amending WSR 11-15-010, filed 7/7/11, effective 8/7/11)

WAC 417-06-130 Format for formal or partial third-party plans.

(1) Any ~~((formal))~~ third-party plan submitted to the commission shall be submitted electronically in the following ~~((approved))~~ formats:

(a) ~~((Electronic submissions: Formal plan electronic submissions from individuals and groups are encouraged, and shall be made on either:~~

~~((i)) CD-ROMs containing a table of equivalencies file giving the census block to district assignments as assignment files in Excel or Access; or~~

~~((ii)) A text file format containing polygon identification and polygon district assignment columns; or~~

~~((iii)) As district files containing a district identification number; or~~

~~((iv)) As)) (b) A shape file or geodatabase; or~~

~~((v)) In a format approved by the U.S. Department of Justice.~~

~~((b)) Paper map submissions: The commission will have available for public purchase paper maps, created using current 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 may vary, depending on the population density in the area covered. Maps may be purchased singly or in sets. Formal plan paper map submissions from individuals and groups shall be made on the maps provided by the commission, or on full-size copies thereof. Explanations of the commission's maps, and) (c) A submission from the MyDistricting tool on the website.

(2) Instructions to users for submission of formal or partial third-party plans, of descriptions of a community of interest, or of a third-party amendment shall be (~~made available free of charge from the commission.~~

~~Materials explaining these format(s) shall be~~) posted on the commission website (www.redistricting.wa.gov), and made available free of charge from the commission.

(3) The commission shall post census and geographic data on the commission website (www.redistricting.wa.gov). (~~Such data will also be available on CD-ROM at a charge (to be established by the executive director) sufficient to cover the cost to the commission of producing CD-ROM copies of the electronic files.~~

~~Each electronic formal~~) (4) A formal or partial third-party plan submission shall be based upon current and official Census Bureau (of the Census) geography and Public Law 94-171 file unique block identity code of state, county, tract, and block (~~, and shall be accompanied by a full description of its contents, including an identification by name and/or location of each data file that is contained, a detailed record layout for each such file, a record count for each such file, and a full description of the format~~)).

~~((2))~~ (5) Individuals and groups submitting formal or partial third-party plans shall supplement their (paper map or electronic) submissions with the following information: Name, address, and (telephone number) email address (if available) of a contact person; (a submission cover letter; the total number of plans submitted;) a narrative explanation of the plan's (~~compliance~~) conformity with the constitutional and statutory requirements identified in WAC 417-06-120; and a description of the original source materials and data used for the submission. They may also include with the formal or partial third-party plan such other supporting materials and data as they deem appropriate.

[Statutory Authority: RCW 44.05.080(2). WSR 11-15-010, § 417-06-130, filed 7/7/11, effective 8/7/11. Statutory Authority: RCW 44.05.080(1). WSR 01-13-123, § 417-06-130, filed 6/20/01, effective 7/9/01; WSR 91-20-006, § 417-06-130, filed 9/19/91, effective 10/20/91.]

AMENDATORY SECTION (Amending WSR 01-13-123, filed 6/20/01, effective 7/9/01)

WAC 417-06-140 Format for ((informal plans)) description of a community of interest. (~~The commission requests that~~) Individuals and interest groups submitting (informal plans use the paper map or electronic submission formats that are required for formal plans. The commission will accept informal plans that are submitted in nonconforming formats; however, such plans may not be capable of being tested for population data against the official census geography and Public Law 94-171 files that are incorporated in the commission's sys-

~~tems-))~~ description of a community of interest to the commission may use the following formats:

(1) By sending through the commission website (www.redistricting.wa.gov) a video file, a written comment, or map drawn using the MyDistricting tool; or

(2) By sending an email to the commission's comment box, comment@redistricting.wa.gov; or

(3) By leaving a voicemail message on the commission's comment telephone line, 360-524-4390; or

(4) By sending a written comment, drawn map, or video or audio file to P.O. Box 40948, Olympia, Washington 98504-0948.

[Statutory Authority: RCW 44.05.080(1). WSR 01-13-123, § 417-06-140, filed 6/20/01, effective 7/9/01; WSR 91-20-006, § 417-06-140, filed 9/19/91, effective 10/20/91.]

AMENDATORY SECTION (Amending WSR 11-15-010, filed 7/7/11, effective 8/7/11)

WAC 417-06-150 Time and place of submissions. Early submission of ~~((third party plans))~~ description of communities of interest is encouraged. All submissions and supporting materials 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. Submissions may be electronically mailed to the commission's address identified in WAC 417-01-125, or made directly to the commission through any redistricting mapping tool on its web site. The date of the electronically mailed submission shall be the date the delivered materials are received by the commission. The submission envelope, cover letter and all other submission materials should be clearly marked: "Redistricting Plan Submission." The person or organization submitting the plan bears the responsibility and accepts the risk to ensure timely delivery of the plan to the commission. The commission has no responsibility to review untimely or ~~improperly submitted plans-))~~ in Olympia, electronically mailed to the commission's comment inbox (comment@redistricting.wa.gov) or posted on the website, or left as a voicemail message at the commission's comment line at 360-524-4390. Submissions made to a specific commissioner or staff member may not reach the entire commission.

[Statutory Authority: RCW 44.05.080(2). WSR 11-15-010, § 417-06-150, filed 7/7/11, effective 8/7/11. Statutory Authority: RCW 44.05.080(1). WSR 01-13-123, § 417-06-150, filed 6/20/01, effective 7/9/01; WSR 91-20-006, § 417-06-150, filed 9/19/91, effective 10/20/91.]

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

WAC 417-06-160 Public access to third-party ~~((plans))~~ submissions. Any third-party ~~((plan submitted))~~ submission 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). WSR 91-20-006, § 417-06-160, filed 9/19/91, effective 10/20/91.]

AMENDATORY SECTION (Amending WSR 01-13-123, filed 6/20/01, effective 7/9/01)

WAC 417-06-170 Public rights in third-party ((plans)) submissions. ((The submission of)) Any third-party ((plan)) submission 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 (except for copying charges that may be assessed by the commission in response to public records requests for plans, under WAC 417-06-160 and chapter 417-02 WAC) 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). WSR 01-13-123, § 417-06-170, filed 6/20/01, effective 7/9/01; WSR 91-20-006, § 417-06-170, filed 9/19/91, effective 10/20/91.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 417-06-135 Format for partial formal plans.