

WSR 22-12-052

PERMANENT RULES

REDISTRICTING COMMISSION

[Filed May 26, 2022, 10:00 a.m., effective June 26, 2022]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The proposed changes address the terms of the consent decree accepted by the Thurston County Superior Court in the case of *Washington Coalition for Open Government v. the Washington State Redistricting Commission*. It will require all future commissioners and staff to complete open government training within 30 days of hiring or appointment; and it establishes amended procedures for consideration and adoption of the final redistricting plan that will protect against future violations of chapter 42.30 RCW, the Open Public Meetings Act.

Citation of Rules Affected by this Order: [New WAC 417-01-137]; and amending [WAC 417-01-155].

Statutory Authority for Adoption: RCW 44.05.080.

Adopted under notice filed as WSR 22-07-028 on March 10, 2022.

A final cost-benefit analysis is available by contacting Lisa McLean, P.O. Box 40948, Olympia, WA 98504-0948, phone 360-522-0373, email Lisa.McLean@redistricting.wa.gov, website redistricting.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 26, 2022.

Lisa McLean
Executive Director

OTS-3659.2

NEW SECTION

WAC 417-01-137 Required training. All commission staff and members shall complete open government training sufficient to comply with the training requirements of RCW 42.30.205 within 30 days of hiring or appointment.

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AMENDATORY SECTION (Amending WSR 21-13-142, filed 6/22/21, effective 7/23/21)

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 executive director 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 executive director may, without the prior approval of the commission, authorize expenditures not to exceed \$30,000. 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 Public 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) Motions shall not require a second in order to be placed before the commission for a vote.

(8) 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. At all meetings of the commission where public testimony regarding redistricting boundaries is a scheduled agenda item, the commission shall provide for the presence of a court reporter to record such testimony. 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 transcript of a court reporter prepared pursuant to this section shall become part of the official records of the commission.

(9) 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.

(10) The commission may not convene a public meeting and then recess to enable members to deliberate among themselves, except for those matters permitted under RCW 42.30.110 for executive session.

(11) The commission may not vote on the adoption of a final redistricting plan in private. The commission may not negotiate an agreed-upon framework for a final redistricting plan in private.

(12) Before the commission considers any motion to approve a final redistricting plan, the commission shall make publicly available the plan that is the subject of the motion, including of the congressional and legislative district maps that depict the boundaries contemplated by the motion.

(13) Any final redistricting plan approved in conformance with Article II, section 43(6) of the state Constitution shall include, at the time of any vote to approve the plan, completed final maps showing

the division of the state into congressional or legislative districts and complete descriptions of each district using official census units such as tracts and blocks.

(14) The commission shall open for comment by members any motion to approve a final redistricting plan prior to voting on the motion.

[Statutory Authority: RCW 44.05.080. WSR 21-13-142, § 417-01-155, filed 6/22/21, effective 7/23/21. Statutory Authority: RCW 44.05.080(2). WSR 11-15-010, § 417-01-155, filed 7/7/11, effective 8/7/11. Statutory Authority: RCW 44.05.080(1). WSR 01-13-123, § 417-01-155, filed 6/20/01, effective 7/9/01; WSR 91-20-006, § 417-01-155, filed 9/19/91, effective 10/20/91.]