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**ENGROSSED HOUSE BILL 2610**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Riccelli, Ormsby, S. Hunt, and Gregerson

AN ACT Relating to county commissioner elections; amending RCW 36.32.030, 36.32.050, 36.32.020, 36.32.010, 36.32.055, 36.32.0552, 36.32.0556, and 29A.76.010; and adding new sections to chapter 36.32 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 36.32 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "District" means a geographic land area within county boundaries and designated in a county redistricting plan, as provided in section 5 of this act.

(2) "District elections" means a candidate from each district is elected in a general election by the voters of the district in which the candidate resides.

(3) "District nominations" means a candidate from each district is nominated in a primary election by the voters of the district in which the candidate resides.

(4) "Major political party" has the same meaning as in RCW 29A.04.086.

NEW SECTION. **Sec.**  A new section is added to chapter 36.32 RCW to read as follows:

(1)(a) By January 31, 2017, any noncharter county with a population of two hundred sixty-five thousand or more must establish a redistricting committee, in accordance with section 4 of this act, to divide the county into five commissioner districts. The five commissioner districts established by the redistricting committee must be designated as districts numbered one, two, three, four, and five. Any districting plan adopted by the redistricting committee must designate the initial terms of office for each of the five county commissioner positions, as provided in RCW 36.32.030(2).

(b) Beginning in 2018, district elections for all county commissioners of a noncharter county with a population of two hundred sixty-five thousand or more must be held in accordance with any districting plan adopted by a redistricting committee that is established in accordance with (a) of this subsection.

(2) By April 30th of each year ending in one, any noncharter county with a population of two hundred sixty-five thousand or more must establish a redistricting committee in accordance with section 4 of this act. The redistricting committee must review and adjust as necessary the boundaries of the county's five commissioner districts.

NEW SECTION. **Sec.**  A new section is added to chapter 36.32 RCW to read as follows:

(1) Upon the approval of a majority of registered voters in the county, any noncharter county with a population of less than two hundred sixty-five thousand may choose to hold both district nominations and district elections for the office of county commissioner. Each commissioner must reside in a separate commissioner district and be nominated and elected by the voters of the district in which he or she resides.

(2)(a) Upon a petition of county voters equal to at least ten percent of the voters voting at the last county general election, a ballot proposition must be submitted to the voters of the county authorizing district nominations and district elections for the office of county commissioner. At least twenty percent of the signatures on the petition must come from each of the existing commissioner districts.

(b) A petition requesting district nominations and district elections of county commissioners must be submitted to the county auditor for verification of signatures. Within thirty days after submission of the petition, the auditor must determine and certify whether the petition contains the requisite number of valid signatures, and then forward the petition to the board of county commissioners. If the petition has been signed by the requisite number of county voters, the board of county commissioners must submit the proposition to the voters for their approval or rejection at the next general election held at least sixty days after the proposition has been certified by the auditor.

(3) Within fifteen days after a proposition submitted to county voters under this section is approved, the county must establish a redistricting committee in accordance with section 4 of this act. The redistricting committee shall divide the county into three or five commissioner districts, depending on whether the county has three or five commissioner positions. Beginning in the even-numbered year following the adoption of a redistricting plan by the committee, nominations and elections of county commissioners must be held in accordance with the adopted districting plan.

(4) By April 30th of each year ending in one, any noncharter county with a population of less than two hundred sixty-five thousand that has chosen to hold district nominations and district elections for the office of county commissioner must establish a redistricting committee in accordance with section 4 of this act. The redistricting committee must review and adjust as necessary the boundaries of the county's commissioner districts.

NEW SECTION. **Sec.**  A new section is added to chapter 36.32 RCW to read as follows:

(1) County redistricting committees established under this chapter must have five members appointed in accordance with this subsection. The two major political parties in the county shall each appoint two members to the committee. A fifth member must be appointed to the redistricting committee by an affirmative vote of at least three of the four committee members appointed by political parties. The fifth appointed member shall serve as chair of the redistricting committee.

(2) A vacancy on a redistricting committee must be filled in the same manner as the initial appointment within fifteen days after the vacancy occurs.

(3) No person may serve on a redistricting committee who:

(a) Is not a registered voter of the state at the time of appointment;

(b) Is not a resident of the county;

(c) Is or within two years before appointment was a consultant for or had a contract with the county, or had been a registered lobbyist that lobbies the county commission; or

(d) Is or within two years before appointment was an elected official or elected legislative, county, or state party officer.

(4) Members of a redistricting committee may not:

(a) Campaign for elective office while a member of the committee;

(b) Actively participate in or contribute to any political campaign of any candidate for county elective office while a member of the committee; or

(c) Hold or campaign for a seat as a county commissioner for two years after the date the redistricting committee concludes its duties under this chapter.

(5) Before serving on a county redistricting committee, every person must take and subscribe an oath to faithfully perform the duties of the office.

NEW SECTION. **Sec.**  A new section is added to chapter 36.32 RCW to read as follows:

(1) Within thirty days after a redistricting committee is established under this chapter, the committee must appoint by an affirmative vote of at least four of its five members a districting master. The districting master must be qualified by education, training, and experience to draw a districting plan for the county. The districting master is not required to be a county resident. If a redistricting committee does not appoint a districting master within thirty days, the county auditor must appoint a districting master within the next thirty days.

(2) No more than forty-five days after the appointment of a districting master to a redistricting committee, the districting master must prepare and submit to the redistricting committee a proposed districting plan dividing the county into three or five commissioner districts, depending on whether the county has three or five commissioner positions.

(a) Within five days after the districting plan is submitted, the redistricting committee must publish the draft plan and provide an opportunity for public comment.

(b) Within ten days of publishing the draft plan, the redistricting committee:

(i) Must hold at least one public hearing and accept public comments on the plan; and

(ii) May adopt the districting plan; or

(iii) May, by an affirmative vote of at least four of the five committee members, adopt an amended districting plan.

(c) If the redistricting committee does not approve and adopt the original or an amended districting plan within fifteen days after it is submitted by the districting master, the districting plan as submitted must be deemed approved and adopted.

(d) The redistricting committee must promptly file the adopted districting plan with the county auditor. The districting plan is effective upon filing.

(e) County commissioner elections pursuant to the districting plan filed with the county auditor must begin in the next even-numbered year.

(3) Each commissioner district established by a redistricting committee under this section must comprise as nearly as possible either one-third or one-fifth of the population of the county, depending on whether the county has three or five commissioner positions. The boundaries of commissioner districts must:

(a) Correspond as nearly as practicable to election precinct boundaries; and

(b) Create districts with compact, contiguous territory containing geographic units, natural communities, and approximately equal populations.

(4) Upon filing of the adopted districting plan with the county auditor, the redistricting committee is dissolved until such time as a new redistricting committee is established as provided in sections 2 and 3 of this act and RCW 36.32.0552.

**Sec.**  RCW 36.32.030 and 2015 c 53 s 63 are each amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section or RCW 36.32.0554, the terms of office of county commissioners shall be four years and shall extend until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280((~~: PROVIDED, That~~)). The terms of office of county commissioners shall be staggered so that:

(a) In a county with a three-member board of county commissioners, either one or two commissioners are elected at a general election held in ((~~an~~)) each even-numbered year; or

(b) In a county with a five-member board of county commissioners, either two or three commissioners are elected at a general election held in each even-numbered year.

(2)(a) Until January 1, 2019, the term of any county commissioner in a noncharter county with a population of two hundred sixty-five thousand or more elected to office after January 1, 2016, expires on January 1, 2019.

(b) At a general election held in 2018, any noncharter county with a population of two hundred sixty-five thousand or more must elect five county commissioners in accordance with a districting plan adopted under section 5 of this act. The five county commissioners shall begin their terms of office on January 1, 2019, and as designated in the districting plan: Two of the county commissioners shall serve terms of two years, and three of the county commissioners shall serve terms of four years. The districts in which commissioners will serve initial terms of two years and the districts in which commissioners will serve initial terms of four years must be identified in the adopted districting plan. All successive county commissioners elected to office shall serve staggered terms of four years, with either two or three commissioners elected in each even-numbered year.

**Sec.**  RCW 36.32.050 and 2009 c 549 s 4063 are each amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section or this chapter, county commissioners shall be elected by the qualified voters of the county and the person receiving the highest number of votes for the office of commissioner for the district in which he or she resides shall be declared duly elected from that district.

(2) In any noncharter county with a population of two hundred sixty-five thousand or more, or in any county that has approved a proposition to hold district nominations and district elections under section 3 of this act, county commissioners must be elected by the qualified electors of the commissioner district in which he or she resides. The person receiving the highest number of votes at a general election for the office of commissioner for the district in which he or she resides must be declared duly elected from that district.

**Sec.**  RCW 36.32.020 and 1982 c 226 s 4 are each amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section or this chapter, the board of county commissioners of each county shall divide their county into three commissioner districts ((~~so that each district shall comprise~~)), each comprising as nearly as possible one-third of the population of the county((~~: PROVIDED, That the~~)). Territory comprised in any voting precincts of such districts ((~~shall~~)) must remain compact, and ((~~shall~~)) may not be divided by the lines of said districts.

((~~However,~~)) (2) The commissioners of any county composed entirely of islands and with a population of less than thirty-five thousand may divide their county into three commissioner districts without regard to population, except that if any single island is included in more than one district, the districts on such island ((~~shall~~)) must comprise, as nearly as possible, equal populations.

(3) The lines of ((~~the~~)) commissioner districts ((~~shall~~)) established in accordance with this section may not be changed ((~~oftener~~)) more often than once in four years and only when a full board of commissioners is present. The districts ((~~shall~~)) must be designated as districts numbered one, two and three.

**Sec.**  RCW 36.32.010 and 1990 c 252 s 1 are each amended to read as follows:

There is established in each county in this state a board of county commissioners. Except as provided ((~~in RCW 36.32.055 and 36.32.0552~~)) otherwise in this chapter, each board of county commissioners shall consist of three qualified electors, two of whom shall constitute a quorum to do business.

**Sec.**  RCW 36.32.055 and 1990 c 252 s 2 are each amended to read as follows:

(1) The board of commissioners of any noncharter county with a population of ((~~three hundred~~)) less than two hundred sixty-five thousand ((~~or more~~)) may cause a ballot proposition to be submitted at a general election to the voters of the county authorizing the board of commissioners to be increased to five members.

(2) As an alternative procedure, a ballot proposition shall be submitted to the voters of ((~~a noncharter~~)) the county authorizing the board of commissioners to be increased to five members, upon petition of the county voters equal to at least ten percent of the voters voting at the last county general election. At least twenty percent of the signatures on the petition shall come from each of the existing commissioner districts.

(3) Any petition requesting that such an election be held shall be submitted to the county auditor for verification of the signatures thereon. Within no more than thirty days after the submission of the petition, the auditor shall determine if the petition contains the requisite number of valid signatures. The auditor shall certify whether or not the petition has been signed by the requisite number of county voters and forward such petition to the board of county commissioners. If the petition has been signed by the requisite number of county voters, the board of county commissioners shall submit such a proposition to the voters for their approval or rejection at the next general election held at least sixty days after the proposition has been certified by the auditor.

**Sec.**  RCW 36.32.0552 and 1990 c 252 s 3 are each amended to read as follows:

(1) If ((~~the~~)) a ballot proposition submitted to the voters of a noncharter county with a population of less than two hundred sixty-five thousand, as provided in RCW 36.32.055, receives majority voter approval, the size of the board of county commissioners shall be increased to five members as provided in this section.

(2) The two newly created county commissioner positions shall be filled at elections to be held in the next even-numbered year.

(3)(a) Within fifteen days after a proposition submitted to county voters under this section is certified as approved, the county shall((~~, as provided in this section, be divided~~)) establish a redistricting committee, in accordance with section 4 of this act, to divide the county into five commissioner districts, so that each district shall comprise as nearly as possible one-fifth of the population of the county. ((~~No two members of the existing board of county commissioners may, at the time of the designation of such districts, permanently reside in one of the five districts. The division of the county into five districts shall be accomplished as follows:~~

~~(1) The board of county commissioners shall, by the second Monday of March of the year following the election, adopt a resolution creating the districts;~~

~~(2) If by the second Tuesday of March of the year following the election the board of county commissioners has failed to create the districts, the prosecuting attorney of the county shall petition the superior court of the county to appoint a referee to designate the five commissioner districts. The referee shall designate such districts by no later than June 1st of the year following the election. The two commissioner districts within which no existing member of the board of county commissioners permanently resides shall be designated as districts four and five.~~))

(b) By April 30th of each year ending in one, the county must establish a redistricting committee in accordance with section 4 of this act. The redistricting committee must review and adjust as necessary the boundaries of the county's five commissioner districts.

**Sec.**  RCW 36.32.0556 and 1990 c 252 s 5 are each amended to read as follows:

((~~The commissioners in a five-member board of county commissioners shall be elected to four-year staggered terms. Each commissioner shall reside in a separate commissioner district. Each commissioner shall be nominated from a separate commissioner district by the voters of that district. Each shall be elected by the voters of the entire county.~~)) Three members of a five-member board of commissioners shall constitute a quorum to do business.

**Sec.**  RCW 29A.76.010 and 2011 c 349 s 26 are each amended to read as follows:

(1) It is the responsibility of each county, municipal corporation, and special purpose district with a governing body comprised of internal director, council, or commissioner districts not based on statutorily required land ownership criteria to periodically redistrict its governmental unit, based on population information from the most recent federal decennial census.

(2) Within forty-five days after receipt of federal decennial census information applicable to a specific local area, the commission established in RCW 44.05.030 shall forward the census information to each municipal corporation, county, and district charged with redistricting under this section.

(3) Except as otherwise provided in chapter . . ., Laws of 2016 (this act), no later than eight months after its receipt of federal decennial census data, the governing body of the municipal corporation, county, or district shall prepare a plan for redistricting its internal or director districts.

(4) The plan shall be consistent with the following criteria:

(a) Each internal director, council, or commissioner district shall be as nearly equal in population as possible to each and every other such district comprising the municipal corporation, county, or special purpose district.

(b) Each district shall be as compact as possible.

(c) Each district shall consist of geographically contiguous area.

(d) Population data may not be used for purposes of favoring or disfavoring any racial group or political party.

(e) To the extent feasible and if not inconsistent with the basic enabling legislation for the municipal corporation, county, or district, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(5) During the adoption of its plan, the municipal corporation, county, or district shall ensure that full and reasonable public notice of its actions is provided. ((~~The municipal corporation, county, or district shall hold at least one public hearing on the redistricting plan at least one week before adoption of the plan~~)) Before adopting the plan, the municipal corporation, county, or district must publish the draft plan and, within ten days, hold at least one public hearing on the draft plan.

(6)(a) Any registered voter residing in an area affected by the redistricting plan may request review of the adopted local plan by the superior court of the county in which he or she resides, within fifteen days of the plan's adoption. Any request for review must specify the reason or reasons alleged why the local plan is not consistent with the applicable redistricting criteria. The municipal corporation, county, or district may be joined as respondent. The superior court shall thereupon review the challenged plan for compliance with the applicable redistricting criteria set out in subsection (4) of this section.

(b) If the superior court finds the plan to be consistent with the requirements of this section, the plan shall take effect immediately.

(c) If the superior court determines the plan does not meet the requirements of this section, in whole or in part, it shall remand the plan for further or corrective action within a specified and reasonable time period.

(d) If the superior court finds that any request for review is frivolous or has been filed solely for purposes of harassment or delay, it may impose appropriate sanctions on the party requesting review, including payment of attorneys' fees and costs to the respondent municipal corporation, county, or district.

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