

HOUSE BILL REPORT

EHB 2610

As Passed House:
February 12, 2016

Title: An act relating to county commissioner elections.

Brief Description: Concerning county commissioner elections.

Sponsors: Representatives Riccelli, Ormsby, S. Hunt and Gregerson.

Brief History:

Committee Activity:

State Government: 1/27/16, 1/28/16 [DP].

Floor Activity:

Passed House: 2/12/16, 50-43.

Brief Summary of Engrossed Bill

- Requires a noncharter county with a population of 265,000 or more to establish a redistricting committee by January 31, 2017, to divide the county into five commissioner districts.
- Requires a noncharter county with a population of 265,000 or more to hold district-based elections for county commissioners beginning in 2018.
- Allows a noncharter county with a population of less than 265,000 to hold district-based elections for county commissioners and/or increase the board of commissioners from three to five members, subject to voter approval.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame, Hawkins and Moscoso.

Staff: Dawn Eychaner (786-7135).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Forms of County Government.

Under the State Constitution, the standard form of county government is a three-member board of commissioners elected to serve as the county's legislative body and perform executive functions. Commissioners serve four-year staggered terms so that either one or two commissioners are elected in an even-numbered year.

Counties with populations of 300,000 or more may, upon voter approval, elect five commissioners instead of three. Counties with populations of 300,000 or more people include Clark, King, Pierce, Snohomish, and Spokane counties.

Counties can adopt a "home rule" charter to provide for their own form of government that may differ from the commission form. Home rule charter counties currently include Clallam, Clark, King, Pierce, San Juan, Snohomish, and Whatcom counties.

Counties without an adopted home rule charter are referred to as noncharter counties. Thirty-two of Washington's 39 counties are noncharter counties.

County Commissioner Elections.

With the exception of counties composed entirely of islands, counties with three or five commissioners are divided into three or five commissioner districts with approximately equal shares of the population. County commissioners are nominated by voters in their respective districts and subsequently elected by the voters of the entire county in a two-step process:

1. candidates from each district are nominated in a primary by voters of the district in which the candidate resides; and
2. commissioners are elected at a general election by the voters of the entire county to positions representing all members of the county (also known as "at-large" positions). The person receiving the highest number of votes for the office of commissioner for the district in which he or she resides is deemed elected from that district.

Tuscon, Arizona, has a hybrid election system similar to Washington's hybrid of district-based primaries and at-large general elections. Last year, Tuscon's election system was held to be unconstitutional by the United States Court of Appeals for the Ninth Circuit in *Public Integrity Alliance, Inc. v. City of Tuscon* (2015). The court held that Tuscon's hybrid system violated the Equal Protection Clause of the Fourteenth Amendment by depriving voters of their right to vote in a primary for individuals who would ultimately serve as their at-large representatives.

Redistricting.

Every 10 years the federal government conducts a national population census. When the United States Census data is released, district boundaries are adjusted to reflect changes in population. This adjustment occurs in years ending in one.

The state Redistricting Commission adjusts boundaries for congressional and state legislative districts. Counties, municipal corporations, and special purpose districts with internal districts intended to represent equal numbers of people are also required to reapportion their districts in order to represent equal shares of the district's population based on new census data.

Counties, municipal corporations, and special purpose districts have eight months after receiving decennial census data to prepare their plans for redistricting internal boundaries. Population data may not be used to favor or disfavor any racial group or political party. Plans must also provide for districts that:

- divide the population as equally as possible;
- are as compact as possible;
- consist of geographically contiguous areas;
- coincide to the extent feasible with existing natural boundaries; and
- preserve existing communities of related and mutual interest.

During adoption of the plan, a local government must provide public notice of its actions, including holding at least one public hearing one week before the adoption of the redistricting plan.

Summary of Engrossed Bill:

Noncharter Counties with Populations of 265,000 or more.

By January 31, 2017, each noncharter county with a population of 265,000 or more must establish a redistricting committee to divide the county into five commissioner districts.

Beginning in 2018, district-based elections must be held for county commissioners in accordance with the redistricting plan, with commissioners elected by the electors of the district in which the candidate resides. Until January 1, 2019, the term of an elected commissioner elected after January 1, 2016, expires on January 1, 2019. Commissioners elected in 2018 will begin staggered terms starting January 1, 2019. Two commissioners will serve two year terms, and three commissioners will serve four year terms. Commissioners elected in future years will serve staggered terms of four years.

Subsequent redistricting committees must be established by April 30 of each year ending in one.

Noncharter Counties with Populations less than 265,000.

With voter approval, noncharter counties with populations of less than 265,000 may hold district-based elections for county commissioners. County voters may also approve to increase the board of commissioners from three to five members.

A ballot proposal to approve district-based elections and/or to increase the board of commissioners to five members may be put forward to county voters by the board of commissioners. Alternatively, voters may petition to add such proposals to the ballot if 10 percent of the county voters who voted in the last election sign the petition and at least 20 percent of the signatures on the petition come from each of the existing commissioner districts. At the next general election held at least 60 days after the proposition has been certified by the county auditor as having sufficient valid signatures, the county commissioners must put the proposition to the voters for approval or rejection.

Upon voter approval to move to district-based elections or to move from a three-member commission to a five-member commission, the county must establish a redistricting commission within 15 days for the purpose of dividing the county into three or five

commissioner districts. Beginning the following year, subsequent nominations and elections of county commissioners must be held in accordance with the adopted redistricting plan.

For counties with five-commissioner districts, the terms of commissioners are staggered so that two or three of the commissioners are elected in each even-numbered year.

Subsequent redistricting committees must be established by April 30 of each year ending in one.

Redistricting Committee Membership.

Redistricting committees consist of five appointed members. The two largest political parties in the county each appoint two members. The fifth member is appointed by majority of the other four appointed members and serves as the committee chair.

A committee member must be a registered voter and resident of the county; cannot have been registered as a lobbyist within two years prior to his or her committee appointment; and cannot have served as an elected official or elected legislative, county, or state party officer within the two years prior to his or her appointment. Committee members may not campaign for office or actively participate in a political campaign for county elective office while serving on the committee. Committee members may not hold office as, or campaign for, county commissioner for at least two years after serving on the committee.

Committee Activities.

Within 30 days of being established, a redistricting committee must appoint a qualified districting master. If the committee does not appoint a districting master, the county auditor must do so. Within 45 days of his or her appointment, the districting master must submit a proposed districting plan to the committee. Districts must, as closely as possible, represent equal numbers of people; correspond to election precinct boundaries; and contain compact, contiguous territory containing geographic units and natural communities.

Within five days after the districting plan is submitted, the redistricting committee must publish the draft plan. Within 10 days of publishing the draft plan, the redistricting committee must hold at least one public hearing and accept public comments on the plan. If the redistricting committee does not affirmatively adopt or amend the districting plan within 15 days after it is submitted by the districting master, the plan is deemed approved and adopted.

County commissioner elections pursuant to the adopted districting plan must begin in the next even-numbered year.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Citizens in Spokane County have been interested in moving from three to five commissioners. This gives the voters the opportunity to be better represented. Counties under a certain population can choose to opt-in. There has been work on some technical fixes and openness to working on further changes to the bill. District lines will be drawn by bipartisan committees and commissioners will better be able to represent their constituents.

(Opposed) The current bill needs improvement, including making the redistricting process open to the public.

(Other) Other than the provision for home rule, the State Constitution states that the Legislature is responsible for creating a uniform system of government for counties. While this has never been interpreted by the courts, the provisions in this bill could raise constitutional questions down the road.

Persons Testifying: (In support) Representative Riccelli, prime sponsor; Nancy Sapiro, League of Women Voters of Washington; and Neil Beaver, Center for Justice.

(Opposed) Mike Burgess, Spokane County.

(Other) Josh Weiss, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying: None.