
State Government Committee

HB 2617

Brief Description: Authorizing political subdivisions to implement district-based elections.

Sponsors: Representatives Manweller, Muri, Holy, Haler and Magendanz.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Authorizes non-charter counties, non-charter code cities, second class cities, and towns to implement a district-based election system for positions on the legislative body of the county or city.

Hearing Date: 2/2/16

Staff: Sean Flynn (786-7124).

Background:

Counties and cities generally may divide their jurisdiction into election districts and require that all or some of the candidates elected to the legislative body of the county or city come from such districts. Each district must be nearly equal in population and as compact and geographically contiguous as possible, while coinciding with natural boundaries and preserving existing communities of mutual interest. Counties and cities are required to redistrict at least every 10 years, based on the federal census data. The census data may not be used in redistricting to favor or disfavor a racial group or political party.

There are several methods of conducting a district-based election used by local governments in the state. In general, a standard district-based election system allows counties or cities to require candidates for all or some positions on the legislative body to reside in an election district to qualify for a designated position. All candidates for a district position then face off in a primary, with only the residents of that district voting on the top candidates to advance to the general election. At the general election, candidates from each district are elected by voters within the same district.

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.

Some counties and cities use a standard district-based election system. Other jurisdictions use modified, or hybrid, forms of the district-based model. In one hybrid format, candidates are nominated from within a district by the voters of the district. However, voters from the entire jurisdiction vote for each district position in the general election.

State law restricts certain jurisdictions from using a standard district-based election system, but allows the use of a hybrid format as described above, where the primaries are restricted to district voters and general elections are at-large. The restriction applies to non-charter counties, second class cities, non-charter optional municipal code cities (code cities), and towns. There is an exception to this restriction for second-class cities, code cities and towns that had adopted a district-based election system prior to 1994 that had allowed candidates to be elected from voters within their district at the general election.

Recent federal court decisions have challenged this hybrid district-based election system. In 2014, a federal district court held that the hybrid format used by the City of Yakima violated the federal Voting Rights Act of 1965, because it diluted the votes of the Latino minority population and effectively deprived Latino voters of the equal opportunity to participate in city council elections. In 2015, the Ninth Circuit federal appeals court held that City of Tucson's hybrid format violated the Equal Protection Clause of the Fourteenth Amendment by denying out-of-district voters the opportunity to participate in primaries for candidate positions that eventually were open to at-large voting in the general election.

Summary of Bill:

Non-charter counties are authorized to adopt a standard district-based election system by ordinance or voter initiative, if authorized. Non-charter code cities and second class cities are authorized to adopt a standard district-based election system by ordinance or initiative, if authorized.

Appropriation: None.

Fiscal Note: Not requested.

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