

SENATE BILL REPORT

EHB 2610

As of February 24, 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: Passed House: 2/12/16, 50-43.

Committee Activity: Government Operations & Security: 2/25/16.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Staff: Samuel Brown (786-7470)

Background: Forms of County Government. The standard form of county government is a three-member board of commissioners, serving staggered four-year terms so that either one or two commissioners are elected in each even-numbered year. Counties with populations of 300,000 or more may, upon voter approval, elect five commissioners instead of three. Counties may adopt a home rule charter to provide for a different form of government than the standard commission form. Clallam, Clark, King, Pierce, San Juan, Snohomish, and Whatcom counties have adopted home rule charters.

County Commissioner Elections. With the exception of San Juan and Island counties, counties with three or five commissioners are divided into three or five commissioner districts with approximately equal shares of the population. County commissioners are elected by the voters of the entire county in a two-step process:

- candidates from each district participate in a primary election of voters of the district in which the candidate resides, with the top two vote-getters advancing to the general election; and
- commissioners are elected at a general election by the voters of the entire county. 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.

Last year, the Ninth Circuit Court of Appeals, in the case of *Public Integrity Alliance, Inc. v. City of Tucson*, held that Tucson, Arizona's municipal election system of district-based primaries and at-large general elections violated the Equal Protection Clause of the

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.

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. Election district boundaries are adjusted to reflect changes in population reflected in the decennial census 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 must also adjust their district boundaries 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 in the redistricting process. All redistricting plans must 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 its redistricting plan, a local government must provide public notice of its actions, including holding at least one public hearing one week before final adoption.

Summary of Bill: By January 31, 2017, each noncharter county with a population of 265,000 or more must establish a redistricting committee to create a plan for dividing the county into five commissioner districts. Each commissioner must reside in the district he or she represents and is elected by the voters of the district at both the primary and general elections. With voter approval, noncharter counties with populations of less than 265,000 may hold district-based elections for county commissioners and may also increase the board of commissioners from three to five members.

Required County Commission Expansion and Redistricting. Beginning in 2018, elections must be held for county commissioners in accordance with the redistricting plan. The term of an elected commissioner elected after January 1, 2016 expires on January 1, 2019. Commissioners elected in 2018 will serve staggered terms, with two commissioners initially serving two-year terms and three commissioners serving four-year terms.

County Commission Expansion or Redistricting by Voter Approval. A ballot proposal to approve district-based elections and/or increase the board of commissioners to five members may be submitted to voters by the board of commissioners of a noncharter county with a population of less than 265,000. Alternatively, either proposal must appear on the ballot if 10 percent of voters in a noncharter county with a population of less than 265,000 who voted in the last election sign the petition and at least 20 percent of the signatures 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, the proposition must be put to the voters for approval or rejection.

The county must establish a redistricting committee within 15 days of voter approval to either move to district-based elections or to move from a three-member commission to a five-member commission. 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 no more than three of the commissioners are elected in each even-numbered year.

County Redistricting Committee Membership. Redistricting committees consist of five appointed members: the two largest political parties in the county each appoint two members, and a fifth member, the committee chair, is appointed by a majority of the other members.

Each 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 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.

County Redistricting Committee Activities. Each redistricting committee must appoint a qualified districting master within 30 days of establishment. If the committee does not appoint a districting master, the county auditor must do so. The districting master must submit a proposed districting plan to the committee within 45 days of appointment. 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.

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

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.