
ENGROSSED HOUSE BILL 2610

State of Washington 64th Legislature 2016 Regular Session

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

Read first time 01/15/16. Referred to Committee on State Government.

1 AN ACT Relating to county commissioner elections; amending RCW
2 36.32.030, 36.32.050, 36.32.020, 36.32.010, 36.32.055, 36.32.0552,
3 36.32.0556, and 29A.76.010; and adding new sections to chapter 36.32
4 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.32
7 RCW to read as follows:

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

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

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

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

19 (4) "Major political party" has the same meaning as in RCW
20 29A.04.086.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.32
2 RCW to read as follows:

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

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

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

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.32
23 RCW to read as follows:

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

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

38 (b) A petition requesting district nominations and district
39 elections of county commissioners must be submitted to the county

1 auditor for verification of signatures. Within thirty days after
2 submission of the petition, the auditor must determine and certify
3 whether the petition contains the requisite number of valid
4 signatures, and then forward the petition to the board of county
5 commissioners. If the petition has been signed by the requisite
6 number of county voters, the board of county commissioners must
7 submit the proposition to the voters for their approval or rejection
8 at the next general election held at least sixty days after the
9 proposition has been certified by the auditor.

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

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

26 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.32
27 RCW to read as follows:

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

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

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

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

3 (b) Is not a resident of the county;

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

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

9 (4) Members of a redistricting committee may not:

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

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

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

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

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.32
21 RCW to read as follows:

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

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

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

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

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

5 (ii) May adopt the districting plan; or

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

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

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

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

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

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

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

28 (4) Upon filing of the adopted districting plan with the county
29 auditor, the redistricting committee is dissolved until such time as
30 a new redistricting committee is established as provided in sections
31 2 and 3 of this act and RCW 36.32.0552.

32 **Sec. 6.** RCW 36.32.030 and 2015 c 53 s 63 are each amended to
33 read as follows:

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

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

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

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

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

25 **Sec. 7.** RCW 36.32.050 and 2009 c 549 s 4063 are each amended to
26 read as follows:

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

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

1 which he or she resides must be declared duly elected from that
2 district.

3 **Sec. 8.** RCW 36.32.020 and 1982 c 226 s 4 are each amended to
4 read as follows:

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

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

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

24 **Sec. 9.** RCW 36.32.010 and 1990 c 252 s 1 are each amended to
25 read as follows:

26 There is established in each county in this state a board of
27 county commissioners. Except as provided ~~((in RCW 36.32.055 and~~
28 ~~36.32.0552))~~ otherwise in this chapter, each board of county
29 commissioners shall consist of three qualified electors, two of whom
30 shall constitute a quorum to do business.

31 **Sec. 10.** RCW 36.32.055 and 1990 c 252 s 2 are each amended to
32 read as follows:

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

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

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

20 **Sec. 11.** RCW 36.32.0552 and 1990 c 252 s 3 are each amended to
21 read as follows:

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

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

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

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

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

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

17 **Sec. 12.** RCW 36.32.0556 and 1990 c 252 s 5 are each amended to
18 read as follows:

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

26 **Sec. 13.** RCW 29A.76.010 and 2011 c 349 s 26 are each amended to
27 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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