S-1671.1

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**SUBSTITUTE SENATE BILL 5398**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senate State Government (originally sponsored by Senators Miloscia, Hunt, and Zeiger; by request of Secretary of State)

AN ACT Relating to modification of precinct and district boundary lines; amending RCW 44.05.100 and 29A.16.050; and reenacting and amending RCW 29A.16.040.

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

**Sec.**  RCW 29A.16.040 and 2011 c 349 s 5 and 2011 c 10 s 26 are each reenacted and amended to read as follows:

(1) The county legislative authority of each county in the state shall divide the county into election precincts and establish the boundaries of the precincts. The auditor of each county may recommend in writing any adjustment to the division of election precincts or precinct boundaries to the county legislative authority at least forty-five days prior to the date found in subsection (2) of this section. If the county legislative authority does not formally reject or adopt a modification to the auditor's recommendation within forty-five days, the auditor's recommendation is adopted.

((~~(1)~~)) (2) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored. Except as permitted under subsection ((~~(3)~~)) (4) of this section, no precinct changes may be made during the period starting ((~~fourteen~~)) seven days prior to the first day for candidates to file for the primary election and ending with the day of the general election.

((~~(2)~~)) (3) The ((~~county legislative authority may establish by ordinance a limitation on the~~)) maximum number of active registered voters in each precinct ((~~within its jurisdiction. The number may be less than the number established by law, but in no case may the number exceed~~)) is one thousand five hundred active registered voters.

((~~(3)~~)) (4) The county auditor shall temporarily adjust precinct boundaries when a city or town annexes unincorporated territory to the city or town, or whenever unincorporated territory is incorporated as a city or town. The adjustment must be made as soon as possible after the approval of the annexation or incorporation. The temporary adjustment must be limited to the minimum changes necessary to accommodate the addition of the territory to the city or town, or to establish the eligible voters within the boundaries of the new city or town, and remains in effect only until precinct boundary modifications reflecting the annexation or incorporation are officially adopted by the county legislative authority as set forth in subsection (1) of this section.

**Sec.**  RCW 44.05.100 and 2002 c 4 s 1 are each amended to read as follows:

(1) Upon approval of a redistricting plan by three of the voting members of the commission, but not later than ((~~January 1st~~)) November 20th of the year ending in ((~~two~~)) one, the commission shall submit the plan to the legislature.

(2) After submission of the plan by the commission, the legislature shall have the next thirty days during any regular or special session to amend the commission's plan. If the legislature amends the commission's plan the legislature's amendment must be approved by an affirmative vote in each house of two-thirds of the members elected or appointed thereto, and may not include more than two percent of the population of any legislative or congressional district.

(3) The plan approved by the commission, with any amendment approved by the legislature, shall be final upon approval of such amendment or after expiration of the time provided for legislative amendment by subsection (2) of this section whichever occurs first, and shall constitute the districting law applicable to this state for legislative and congressional elections, beginning with the next elections held in the year ending in two. This plan shall be in force until the effective date of the plan based upon the next succeeding federal decennial census or until a modified plan takes effect as provided in RCW 44.05.120(6).

(4) If three of the voting members of the commission fail to approve and submit a plan within the time limitations provided in subsection (1) of this section, the supreme court shall adopt a plan by ((~~March~~)) February 1st of the year ending in two. Any such plan approved by the court is final and constitutes the districting law applicable to this state for legislative and congressional elections, beginning with the next election held in the year ending in two. This plan shall be in force until the effective date of the plan based on the next succeeding federal decennial census or until a modified plan takes effect as provided in RCW 44.05.120(6).

**Sec.**  RCW 29A.16.050 and 2003 c 111 s 405 are each amended to read as follows:

(1) Every voting precinct must be wholly within a single congressional district, a single legislative district, a single district of a county legislative authority((~~, and, if applicable, a single city~~)). Every voting precinct must be either wholly outside of any city or town, or wholly within a single city or town and, where applicable, a single council district or ward of that city or town.

(2) Every voting precinct shall be composed, as nearly as practicable, of contiguous and compact areas. Subject to the restrictions on precinct boundaries in subsection (1) of this section and the maximum registered voter count established in RCW 29A.16.040(3), (a) an unincorporated area entirely surrounded by one or more cities or towns, or an unincorporated area lying between the boundaries of one or more cities or towns and the boundary of a county, congressional district, legislative district, or county legislative authority district, may be included in a single precinct with other such areas or with nearby unincorporated territory, and (b) incorporated areas that are not contiguous with the remainder of the city or town of which they are a part may be included in the geographically nearest precinct belonging to that city or town.

(3) ((~~Except as provided in this subsection, changes to the boundaries of any~~)) Precinct ((~~shall~~)) boundaries must preferentially follow local jurisdictional and electoral district boundaries and visible, physical features ((~~delineated on the most current maps provided by the United States census bureau. A change need not follow such visible, physical features if (a) it is necessitated by an annexation or incorporation and the proposed precinct boundary is identical to an exterior boundary of the annexed or incorporated area which does not follow a visible, physical feature; or (b) doing so would substantially impair election administration in the involved area~~)).

(4) ((~~After a change to precinct boundaries is adopted by the county legislative authority, if the change does not follow visible physical features, the county auditor shall send to the secretary of state an electronic or paper copy of the description, a map or maps of the changes, and a statement of the applicable exception under subsection (3) of this section. For boundary changes made pursuant to subsection (3)(b) of this section, the auditor shall include a statement of the reasons why following visible, physical features would have substantially impaired election administration.~~

~~(5)~~)) Every voting precinct within each county shall be designated by number for the purpose of preparation of maps and the tabulation of population for apportionment purposes. These precincts may be identified with names or other numbers for other election purposes.

((~~(6) After a change to precinct boundaries in a city or town, the county auditor shall send one copy of the map or maps delineating the new precinct boundaries within that city or town to the city or town clerk.~~

~~(7)~~)) (5) Precinct maps are public records and shall be available for inspection by the public during normal office hours in the offices where they are kept. Copies shall be made available to the public for a fee necessary to cover the cost of reproduction.

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