

HB 1535 - H AMD 123

By Representative Riccelli

NOT CONSIDERED 01/05/2018

1 Strike everything after the enacting clause and insert the
2 following:

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

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "District" means a geographic area within county boundaries
8 and designated in a county redistricting plan, as provided in section
9 5 of this act.

10 (2) "District election" means a candidate from each district is
11 elected in a general election by the voters of the district in which
12 the candidate resides.

13 (3) "District nomination" means a candidate from each district is
14 nominated in a primary election by the voters of the district in
15 which the candidate resides.

16 (4) "Major political party" has the same meaning as in RCW
17 29A.04.086.

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

20 (1)(a) By January 31, 2022, any noncharter county with a
21 population of four hundred thousand or more must establish a
22 redistricting committee, in accordance with section 4 of this act, to
23 review and adjust county commissioner districts. The three
24 commissioner districts established by the redistricting committee
25 must be designated as districts numbered one, two, and three. Any
26 districting plan adopted by the redistricting committee must
27 designate the initial terms of office for each of the three county
28 commissioner positions, as provided in RCW 36.32.030(2).

29 (b) Beginning in 2022, district elections for all county
30 commissioners of a noncharter county with a population of four
31 hundred thousand or more must be held in accordance with any

1 districting plan adopted by a redistricting committee that is
2 established in accordance with section 5 of this act.

3 (2) After 2022, by April 30th of each year ending in one, any
4 noncharter county with a population of four hundred thousand or more
5 must establish a redistricting committee in accordance with section 4
6 of this act. The redistricting committee must review and adjust as
7 necessary the boundaries of the county's three commissioner
8 districts.

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

11 (1) Upon the approval of a majority of registered voters in the
12 county, or by county ordinance adopted by the county commissioners,
13 any noncharter county with a population of less than four hundred
14 thousand may choose to hold both district nominations and district
15 elections for the office of county commissioner. Each commissioner
16 must reside in a separate commissioner district and be nominated and
17 elected by the voters of the district in which he or she resides.

18 (2)(a) Upon a petition of county voters equal to at least ten
19 percent of the voters voting at the last county general election, a
20 ballot proposition must be submitted to the voters of the county
21 authorizing district nominations and district elections for the
22 office of county commissioner. At least twenty percent of the
23 signatures on the petition must come from each of the existing
24 commissioner districts.

25 (b) A petition requesting district nominations and district
26 elections of county commissioners must be submitted to the county
27 auditor for verification of signatures. Within thirty days after
28 submission of the petition, the auditor must determine and certify
29 whether the petition contains the requisite number of valid
30 signatures, and then forward the petition to the board of county
31 commissioners. If the petition has been signed by the requisite
32 number of county voters, the board of county commissioners must
33 submit the proposition to the voters for their approval or rejection
34 at the next general election held at least sixty days after the
35 proposition has been certified by the auditor.

36 (3) Within fifteen days after a proposition submitted to county
37 voters under this section is approved, the county must establish a
38 redistricting committee in accordance with section 4 of this act. The
39 redistricting committee shall divide the county into three

1 commissioner districts. Beginning in the even-numbered year following
2 the adoption of a redistricting plan by the committee, nominations
3 and elections of county commissioners must be held in accordance with
4 the adopted districting plan.

5 (4) By April 30th of each year ending in one, any noncharter
6 county with a population of less than four hundred thousand that has
7 chosen to hold district nominations and district elections for the
8 office of county commissioner must establish a redistricting
9 committee in accordance with section 4 of this act. The redistricting
10 committee must review and adjust as necessary the boundaries of the
11 county's commissioner districts.

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

14 (1) County redistricting committees established under this
15 chapter must have five members appointed in accordance with this
16 subsection. The two major political parties in the county shall each
17 appoint two members to the committee. A fifth member must be
18 appointed to the redistricting committee by an affirmative vote of at
19 least three of the four committee members appointed by political
20 parties. The fifth appointed member shall serve as chair of the
21 redistricting committee.

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

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

26 (a) Is not a registered voter of the state at the time of
27 appointment;

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

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

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

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

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

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

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

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

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

9 (1) Within thirty days after a redistricting committee is
10 established under this chapter, the committee must appoint by an
11 affirmative vote of at least four of its five members a districting
12 master. The districting master must be qualified by education,
13 training, and experience to draw a districting plan for the county.
14 The districting master is not required to be a county resident. If a
15 redistricting committee does not appoint a districting master within
16 thirty days, the county auditor must appoint a districting master
17 within the next thirty days.

18 (2) No more than forty-five days after the appointment of a
19 districting master to a redistricting committee, the districting
20 master must:

21 (a) Prepare a draft districting plan dividing the county into
22 three commissioner districts;

23 (b) Solicit written public comment on the draft districting plan;

24 (c) Amend the draft as necessary after public comments are
25 received; and

26 (d) Submit the draft plan to the redistricting committee with a
27 copy of the written public comments.

28 (3)(a) Within ten days after receiving the draft districting
29 plan, the redistricting committee must publish the draft plan and
30 provide an opportunity for public comment.

31 (b) Within ten days of publishing the draft plan, the
32 redistricting committee:

33 (i) Must hold at least one public hearing on the plan, including
34 notice and public comment; and

35 (ii) May adopt the districting plan; or

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

38 (c) If the redistricting committee does not approve and adopt the
39 original or an amended districting plan within thirty days after it

1 is submitted by the districting master, the districting plan as
2 submitted must be deemed approved and adopted.

3 (d) The redistricting committee must promptly file the adopted
4 districting plan with the county auditor. The districting plan is
5 effective upon filing.

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

9 (4) Each commissioner district established by a redistricting
10 committee under this section must comprise as nearly as possible one-
11 third of the population of the county. The boundaries of commissioner
12 districts must:

13 (a) Correspond as nearly as practicable to election precinct
14 boundaries; and

15 (b) Create districts with compact, contiguous territory
16 containing geographic units, natural communities, and approximately
17 equal populations.

18 (5) Upon filing of the adopted districting plan with the county
19 auditor, the redistricting committee is dissolved until such time as
20 a new redistricting committee is established as provided in sections
21 2 and 3 of this act.

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

24 (1) Except as provided otherwise in subsection (2) of this
25 section, the terms of office of county commissioners shall be four
26 years and shall extend until their successors are elected and
27 qualified and assume office in accordance with RCW 29A.60.280(~~+~~
28 ~~PROVIDED, That~~) The terms of office of county commissioners shall be
29 staggered so that either one or two commissioners are elected at a
30 general election held in ((a)) each even-numbered year.

31 (2) Except as provided otherwise in section 2 of this act, at the
32 general election held in 2022, any noncharter county with a
33 population of four hundred thousand or more must elect three county
34 commissioners in accordance with a districting plan adopted under
35 section 5 of this act. Any county commissioner whose term is set to
36 expire on or after January 1, 2023, is subject to the new election in
37 accordance with this section. The three county commissioners shall
38 begin their terms of office on January 1, 2023, and as designated in
39 the districting plan: Two of the county commissioners shall serve

1 terms of four years and one of the county commissioners shall serve a
2 term of two years. The districts in which commissioners will serve
3 initial terms of four years and the district in which a commissioner
4 will serve an initial term of two years must be identified in the
5 adopted districting plan. All successive county commissioners elected
6 to office shall serve staggered terms of four years, with either one
7 or two commissioners elected in each even-numbered year.

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

10 (1) Except as provided otherwise in subsection (2) of this
11 section or this chapter, county commissioners shall be elected by the
12 qualified voters of the county and the person receiving the highest
13 number of votes for the office of commissioner for the district in
14 which he or she resides shall be declared duly elected from that
15 district.

16 (2) In any noncharter county with a population of four hundred
17 thousand or more, or in any county that has approved a proposition to
18 hold district nominations and district elections under section 3 of
19 this act, county commissioners must be elected by the qualified
20 electors of the commissioner district in which he or she resides. The
21 person receiving the highest number of votes at a general election
22 for the office of commissioner for the district in which he or she
23 resides must be declared duly elected from that district.

24 **Sec. 8.** RCW 29A.76.010 and 2011 c 349 s 26 are each amended to
25 read as follows:

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

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

37 (3) Except as otherwise provided in this act, no later than eight
38 months after its receipt of federal decennial census data, the

1 governing body of the municipal corporation, county, or district
2 shall prepare a plan for redistricting its internal or director
3 districts.

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

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

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

10 (c) Each district shall consist of geographically contiguous
11 area.

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

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

19 (5) During the adoption of its plan, the municipal corporation,
20 county, or district shall ensure that full and reasonable public
21 notice of its actions is provided. Before adopting the plan, the
22 municipal corporation, county, or district ((shall hold at least one
23 public hearing on the redistricting plan at least one week before
24 adoption of the plan)) must:

25 (a) Publish the draft plan and hold a meeting, including notice
26 and comment, within ten days of publishing the draft plan and at
27 least one week before adopting the plan; and

28 (b) Amend the draft as necessary after receiving public comments
29 and resubmit any amended draft plan for additional written public
30 comment at least one week before adopting the plan.

31 (6)(a) Any registered voter residing in an area affected by the
32 redistricting plan may request review of the adopted local plan by
33 the superior court of the county in which he or she resides, within
34 fifteen days of the plan's adoption. Any request for review must
35 specify the reason or reasons alleged why the local plan is not
36 consistent with the applicable redistricting criteria. The municipal
37 corporation, county, or district may be joined as respondent. The
38 superior court shall thereupon review the challenged plan for
39 compliance with the applicable redistricting criteria set out in
40 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.

13 **Sec. 9.** RCW 36.32.0556 and 1990 c 252 s 5 are each amended to
14 read as follows:

15 (1) The commissioners in a five-member board of county
16 commissioners shall be elected to four-year staggered terms.

17 (2) Each commissioner shall reside in a separate commissioner
18 district. Each commissioner shall be nominated from a separate
19 commissioner district by the voters of that district.

20 (a) In any noncharter county with a population of fewer than four
21 hundred thousand, each commissioner shall be elected by the voters of
22 the entire county.

23 (b) In any noncharter county with a population of four hundred
24 thousand or more, each commissioner shall be elected by the voters of
25 the district in which he or she resides.

26 (3) Three members of a five-member board of commissioners shall
27 constitute a quorum to do business.

28 NEW SECTION. **Sec. 10.** This act may be known and cited as the
29 responsible representation act.

30 NEW SECTION. **Sec. 11.** If any provision of this act or its
31 application to any person or circumstance is held invalid, the
32 remainder of the act or the application of the provision to other
33 persons or circumstances is not affected."

34 Correct the title.

EFFECT: Removes requirement for a county over 400,000 moving to a five-member commission to adopt district-based elections by 2022. Removes requirement for the districting master to resubmit a draft districting plan for public comment after amending the draft plan. Includes a severability clause.

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