

ESSB 6002 - H COMM AMD

By Committee on State Government, Elections & Information Technology

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

3 **"PART I - GENERAL PROVISIONS**

4 NEW SECTION. **Sec. 101.** This act may be known and cited as the
5 Washington voting rights act of 2018.

6 NEW SECTION. **Sec. 102.** The legislature finds that electoral
7 systems that deny race, color, or language minority groups an equal
8 opportunity to elect candidates of their choice are inconsistent with
9 the right to free and equal elections as provided by Article I,
10 section 19 and Article VI, section 1 of the Washington state
11 Constitution as well as protections found in the fourteenth and
12 fifteenth amendments to the United States Constitution. The well-
13 established principle of "one person, one vote" and the prohibition
14 on vote dilution have been consistently upheld in federal and state
15 courts for more than fifty years.

16 The legislature also finds that local government subdivisions are
17 often prohibited from addressing these challenges because of
18 Washington laws that narrowly prescribe the methods by which they may
19 elect members of their legislative bodies. The legislature finds that
20 in some cases, this has resulted in an improper dilution of voting
21 power for these minority groups. The legislature intends to modify
22 existing prohibitions in state laws so that these jurisdictions may
23 voluntarily adopt changes on their own, in collaboration with
24 affected community members, to remedy potential electoral issues so
25 that minority groups have an equal opportunity to elect candidates of
26 their choice or influence the outcome of an election.

27 The legislature intends for this act to be consistent with
28 federal protections that may provide a similar remedy for minority
29 groups. Remedies shall also be available where the drawing of

1 crossover and coalition districts is able to address both vote
2 dilution and racial polarization.

3 The legislature also intends for this act to be consistent with
4 legal precedent from *Mt. Spokane Skiing Corp. v. Spokane Co.* (86 Wn.
5 App. 165, 1997) that found that noncharter counties need not adhere
6 to a single uniform county system of government, but that each county
7 have the same "authority available" in order to be deemed uniform.

8 NEW SECTION. **Sec. 103.** The definitions in this section apply
9 throughout this chapter unless the context clearly requires
10 otherwise. In applying these definitions and other terms in this
11 chapter, courts may rely on relevant federal case law for guidance.

12 (1) "At-large election" means any of the following methods of
13 electing members of the governing body of a political subdivision:

14 (a) One in which the voters of the entire jurisdiction elect the
15 members to the governing body;

16 (b) One in which the candidates are required to reside within
17 given areas of the jurisdiction and the voters of the entire
18 jurisdiction elect the members to the governing body; or

19 (c) One that combines the criteria in (a) and (b) of this
20 subsection or one that combines at-large with district-based
21 elections.

22 (2) "District-based elections" means a method of electing members
23 to the governing body of a political subdivision in which the
24 candidate must reside within an election district that is a divisible
25 part of the political subdivision and is elected only by voters
26 residing within that election district.

27 (3) "Polarized voting" means voting in which there is a
28 difference, as defined in case law regarding enforcement of the
29 federal voting rights act, 52 U.S.C. 10301 et seq., in the choice of
30 candidates or other electoral choices that are preferred by voters in
31 a protected class, and in the choice of candidates and electoral
32 choices that are preferred by voters in the rest of the electorate.

33 (4) "Political subdivision" means any county, city, town, school
34 district, fire protection district, port district, or public utility
35 district, but does not include the state.

36 (5) "Protected class" means a class of voters who are members of
37 a race, color, or language minority group, as this class is
38 referenced and defined in the federal voting rights act, 52 U.S.C.
39 10301 et seq.

1 NEW SECTION. **Sec. 104.** As provided in section 302 of this act,
2 no method of electing the governing body of a political subdivision
3 may be imposed or applied in a manner that impairs the ability of
4 members of a protected class or classes to have an equal opportunity
5 to elect candidates of their choice as a result of the dilution or
6 abridgment of the rights of voters who are members of a protected
7 class or classes.

8 **PART II - VOLUNTARY CHANGES TO ELECTORAL PROCESSES**

9 NEW SECTION. **Sec. 201.** (1) A political subdivision that
10 conducts an election pursuant to state, county, or local law, is
11 authorized to change its electoral system, including, but not limited
12 to, implementing a district-based election system, to remedy a
13 potential violation of section 104 of this act.

14 (2) If a political subdivision invokes its authority under this
15 section to implement a district-based election system, the districts
16 shall be drawn in a manner consistent with section 202 of this act.

17 NEW SECTION. **Sec. 202.** (1)(a) Prior to the adoption of its
18 proposed plan, the political subdivision must provide public notice
19 to residents of the subdivision about the proposed remedy to a
20 potential violation of section 104 of this act. If a significant
21 segment of the residents of the subdivision have limited English
22 proficiency and speaks a language other than English, the political
23 subdivision must:

24 (i) Provide accurate written and verbal notice of the proposed
25 remedy in languages that diverse residents of the political
26 subdivision can understand, as indicated by demographic data; and

27 (ii) Air radio or television public service announcements
28 describing the proposed remedy broadcast in the languages that
29 diverse residents of the political subdivision can understand, as
30 indicated by demographic data.

31 (b) The political subdivision shall hold at least one public
32 hearing on the proposed plan at least one week before adoption.

33 (c) For purposes of this section, "significant segment of the
34 community" means five percent or more of residents, or five hundred
35 or more residents, whichever is fewer, residing in the political
36 subdivision.

1 (2)(a) If the political subdivision invokes its authority under
2 section 201 of this act and the plan is adopted during the period of
3 time between the first Tuesday after the first Monday of November and
4 on or before January 15th of the following year, the political
5 subdivision shall order new elections to occur at the next succeeding
6 general election.

7 (b) If the political subdivision invokes its authority under
8 section 201 of this act and the plan is adopted during the period of
9 time between January 16th and on or before the first Monday of
10 November, the next election will occur as scheduled and organized
11 under the current electoral system, but the political subdivision
12 shall order new elections to occur pursuant to the remedy at the
13 general election the following calendar year.

14 (3) If a political subdivision implements a district-based
15 election system under section 201(2) of this act, the plan shall be
16 consistent with the following criteria:

17 (a) Each district shall be as reasonably equal in population as
18 possible to each and every other such district comprising the
19 political subdivision.

20 (b) Each district shall be reasonably compact.

21 (c) Each district shall consist of geographically contiguous
22 area.

23 (d) To the extent feasible, the district boundaries shall
24 coincide with existing recognized natural boundaries and shall, to
25 the extent possible, preserve existing communities of related and
26 mutual interest.

27 (e) District boundaries may not be drawn or maintained in a
28 manner that creates or perpetuates the dilution of the votes of the
29 members of a protected class or classes.

30 (4) Within forty-five days after receipt of federal decennial
31 census information applicable to a specific local area, the
32 commission established in RCW 44.05.030 shall forward the census
33 information to each political subdivision.

34 (5) No later than eight months after its receipt of federal
35 decennial census data, the governing body of the political
36 subdivision that had previously invoked its authority under section
37 201 of this act to implement a district-based election system, or
38 that was previously charged with redistricting under section 403 of
39 this act, shall prepare a plan for redistricting its districts,
40 pursuant to RCW 29A.76.010, and in a manner consistent with this act.

1 NEW SECTION. **Sec. 203.** A new section is added to chapter
2 28A.343 RCW to read as follows:

3 The school board of directors may authorize a change to its
4 electoral system pursuant to section 201 of this act. Any staggering
5 of directors' terms shall be accomplished as provided in RCW
6 28A.343.030 and 28A.343.600 through 28A.343.650.

7 **Sec. 204.** RCW 36.32.020 and 1982 c 226 s 4 are each amended to
8 read as follows:

9 The board of county commissioners of each county shall divide
10 their county into three commissioner districts so that each district
11 shall comprise as nearly as possible one-third of the population of
12 the county: PROVIDED, That the territory comprised in any voting
13 precincts of such districts shall remain compact, and shall not be
14 divided by the lines of said districts.

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

21 The commissioners of any county may authorize a change to their
22 electoral system pursuant to section 201 of this act. Except where
23 necessary to comply with a court order issued pursuant to section 403
24 of this act, and except in the case of an intervening census, the
25 lines of the districts shall not be changed ((oftener)) more often
26 than once in four years and only when a full board of commissioners
27 is present. The districts shall be designated as districts numbered
28 one, two and three.

29 **Sec. 205.** RCW 36.32.040 and 1982 c 226 s 5 are each amended to
30 read as follows:

31 (1) Except as provided in subsection (2) of this section, the
32 qualified electors of each county commissioner district, and they
33 only, shall nominate from among their own number, candidates for the
34 office of county commissioner of such commissioner district to be
35 voted for at the following general election. Such candidates shall be
36 nominated in the same manner as candidates for other county and
37 district offices are nominated in all other respects.

1 (2) Where the commissioners of a county composed entirely of
2 islands with a population of less than thirty-five thousand have
3 chosen to divide the county into unequal-sized commissioner districts
4 pursuant to the exception provided in RCW 36.32.020, the qualified
5 electors of the entire county shall nominate from among their own
6 number who reside within a commissioner district, candidates for the
7 office of county commissioner of such commissioner district to be
8 voted for at the following general election. Such candidates shall be
9 nominated in the same manner as candidates for other county offices
10 are nominated in all other respects.

11 (3) The commissioners of any county may authorize a change to
12 their electoral system pursuant to section 201 of this act.

13 NEW SECTION. Sec. 206. A new section is added to chapter 35.21
14 RCW to read as follows:

15 The legislative authority of a city or town may authorize a
16 change to its electoral system pursuant to section 201 of this act.

17 NEW SECTION. Sec. 207. A new section is added to chapter 35A.21
18 RCW to read as follows:

19 The legislative authority of a code city or town may authorize a
20 change to its electoral system pursuant to section 201 of this act.

21 NEW SECTION. Sec. 208. A new section is added to chapter 52.14
22 RCW to read as follows:

23 The board of fire commissioners of a fire protection district may
24 authorize a change to its electoral system pursuant to section 201 of
25 this act by majority vote.

26 NEW SECTION. Sec. 209. A new section is added to chapter 53.12
27 RCW to read as follows:

28 The port commission may authorize a change to its electoral
29 system pursuant to section 201 of this act.

30 **Sec. 210.** RCW 54.12.010 and 2004 c 113 s 1 are each amended to
31 read as follows:

32 A public utility district that is created as provided in RCW
33 54.08.010 shall be a municipal corporation of the state of
34 Washington, and the name of such public utility district shall be
35 Public Utility District No. of County.

1 The powers of the public utility district shall be exercised
2 through a commission consisting of three members in three
3 commissioner districts, and five members in five commissioner
4 districts.

5 (1) If the public utility district is countywide and the county
6 has three county legislative authority districts, then, at the first
7 election of commissioners and until any change is made in the
8 boundaries of public utility district commissioner districts, one
9 public utility district commissioner shall be chosen from each of the
10 three county legislative authority districts.

11 (2) If the public utility district comprises only a portion of
12 the county, with boundaries established in accordance with chapter
13 54.08 RCW, or if the public utility district is countywide and the
14 county does not have three county legislative authority districts,
15 three public utility district commissioner districts, numbered
16 consecutively, each with approximately equal population and following
17 precinct lines, as far as practicable, shall be described in the
18 petition for the formation of the public utility district, subject to
19 appropriate change by the county legislative authority if and when it
20 changes the boundaries of the proposed public utility district. One
21 commissioner shall be elected as a commissioner of each of the public
22 utility district commissioner districts.

23 (3) Only a registered voter who resides in a commissioner
24 district may be a candidate for, or hold office as, a commissioner of
25 the commissioner district. Only voters of a commissioner district may
26 vote at a primary to nominate candidates for a commissioner of the
27 commissioner district. Voters of the entire public utility district
28 may vote at a general election to elect a person as a commissioner of
29 the commissioner district.

30 (4) The term of office of each public utility district
31 commissioner other than the commissioners at large shall be six
32 years, and the term of each commissioner at large shall be four
33 years. Each term shall be computed in accordance with RCW
34 (~~(29A.20.040)~~) 29A.60.280 following the commissioner's election. All
35 public utility district commissioners shall hold office until their
36 successors shall have been elected and have qualified and assume
37 office in accordance with RCW (~~(29A.20.040)~~) 29A.60.280.

38 (5) A vacancy in the office of public utility district
39 commissioner shall occur as provided in chapter 42.12 RCW or by
40 nonattendance at meetings of the public utility district commission

1 for a period of sixty days unless excused by the public utility
2 district commission. Vacancies on a board of public utility district
3 commissioners shall be filled as provided in chapter 42.12 RCW.

4 (6) The boundaries of the public utility district commissioner
5 districts may be changed only by the public utility district
6 commission or by a court order issued pursuant to section 403 of this
7 act, and shall be examined every ten years to determine substantial
8 equality of population in accordance with chapter 29A.76 RCW. Except
9 as provided in this section (~~(e)~~), section 403 of this act, RCW
10 54.04.039, or in the case of an intervening census, the boundaries
11 shall not be changed (~~(e)ften~~) more often than once in four years.
12 Boundaries may only be changed when all members of the commission are
13 present. Whenever territory is added to a public utility district
14 under RCW 54.04.035, or added or withdrawn under RCW 54.04.039, the
15 boundaries of the public utility commissioner districts shall be
16 changed to include the additional or exclude the withdrawn territory.
17 Unless the boundaries are changed pursuant to RCW 54.04.039, the
18 proposed change of the boundaries of the public utility district
19 commissioner district must be made by resolution and after public
20 hearing. Notice of the time of the public hearing shall be published
21 for two weeks before the hearing. Upon a referendum petition signed
22 by ten percent of the qualified voters of the public utility district
23 being filed with the county auditor, the county legislative authority
24 shall submit the proposed change of boundaries to the voters of the
25 public utility district for their approval or rejection. The petition
26 must be filed within ninety days after the adoption of resolution of
27 the proposed action. The validity of the petition is governed by the
28 provisions of chapter 54.08 RCW.

29 **PART III - CITIZEN-INITIATED CHANGES TO ELECTORAL PROCESSES**

30 NEW SECTION. **Sec. 301.** (1) A voter who resides in the political
31 subdivision who intends to challenge a political subdivision's
32 electoral system under this act shall first notify the political
33 subdivision. The political subdivision shall promptly make such
34 notice public.

35 (2) The notice provided shall identify and provide contact
36 information for the person or persons who intend to file an action,
37 and shall identify the protected class or classes whose members do
38 not have an equal opportunity to elect candidates of their choice or

1 an equal opportunity to influence the outcome of an election because
2 of alleged vote dilution and polarized voting. The notice shall also
3 include a type of remedy the person believes may address the alleged
4 violation of section 302 of this act.

5 NEW SECTION. **Sec. 302.** (1) A political subdivision is in
6 violation of this act when it is shown that:

7 (a) Elections in the political subdivision exhibit polarized
8 voting; and

9 (b) Members of a protected class or classes do not have an equal
10 opportunity to elect candidates of their choice as a result of the
11 dilution or abridgment of the rights of members of that protected
12 class or classes.

13 (2) The fact that members of a protected class are not
14 geographically compact or concentrated to constitute a majority in a
15 proposed or existing district-based election district shall not
16 preclude a finding of a violation under this act, but may be a factor
17 in determining a remedy. The equal opportunity to elect shall be
18 assessed pragmatically, based on local election conditions, and may
19 include crossover districts.

20 (3) In determining whether there is polarized voting under this
21 act, the court shall analyze elections of the governing body of the
22 political subdivision, ballot measure elections, elections in which
23 at least one candidate is a member of a protected class, and other
24 electoral choices that affect the rights and privileges of members of
25 a protected class. Elections conducted prior to the filing of an
26 action pursuant to this act are more probative to establish the
27 existence of racially polarized voting than elections conducted after
28 the filing of an action.

29 (4) The election of candidates who are members of a protected
30 class and who were elected prior to the filing of an action pursuant
31 to this act shall not preclude a finding of polarized voting that
32 results in an unequal opportunity for a protected class to elect
33 candidates of their choice.

34 (5) Proof of intent on the part of the voters or elected
35 officials to discriminate against a protected class is not required
36 for a cause of action to be sustained.

37 (6) Other factors such as the history of discrimination, the use
38 of electoral devices or other voting practices or procedures that may
39 enhance the dilutive effects of at-large elections, denial of access

1 to those processes determining which groups of candidates will
2 receive financial or other support in a given election, the extent to
3 which members of a protected class bear the effects of past
4 discrimination in areas such as education, employment, and health,
5 which hinder their ability to participate effectively in the
6 political process, and the use of overt or subtle racial appeals in
7 political campaigns are probative, but not necessary factors, to
8 establish a violation of this act.

9 NEW SECTION. **Sec. 303.** (1) The political subdivision shall work
10 in good faith with the person providing the notice to implement a
11 remedy that provides the protected class or classes identified in the
12 notice an equal opportunity to elect candidates of their choice. Such
13 work in good faith to implement a remedy may include, but is not
14 limited to consideration of: (a) Relevant electoral data; (b)
15 relevant demographic data, including the most recent census data
16 available; and (c) any other information that would be relevant to
17 implementing a remedy.

18 (2) If the political subdivision adopts a remedy that takes the
19 notice into account, or adopts the notice's proposed remedy, the
20 political subdivision shall seek a court order acknowledging that the
21 political subdivision's remedy complies with section 104 of this act
22 and was prompted by a plausible violation. The person who submitted
23 the notice may support or oppose such an order, and may obtain public
24 records to do so. The political subdivision must provide all
25 political, census, and demographic data and any analysis of that data
26 used to develop the remedy in its filings seeking the court order and
27 with any documents made public. All facts and reasonable inferences
28 shall be viewed in the light most favorable to those opposing the
29 political subdivision's proposed remedy at this stage. There shall be
30 a rebuttable presumption that the court will decline to approve the
31 political subdivision's proposed remedy at this stage.

32 (3) If the court concludes that the political subdivision's
33 remedy complies with section 104 of this act, an action under this
34 act may not be brought against that political subdivision for four
35 years by any party so long as the political subdivision does not
36 enact a change to or deviation from the remedy during this four-year
37 period that would otherwise give rise to an action under this act.

1 (4) In agreeing to adopt the person's proposed remedy, the
2 political subdivision may do so by stipulation, which shall become a
3 public document.

4 NEW SECTION. **Sec. 304.** (1) Any voter who resides in the
5 political subdivision may file an action under this act if, one
6 hundred eighty days after a political subdivision receives notice of
7 a challenge to its electoral system under section 301 of this act,
8 the political subdivision has not obtained a court order stating that
9 it has adopted a remedy in compliance with section 104 of this act.
10 However, if notice is received after July 1, 2021, then the political
11 subdivision shall have ninety days to obtain a court order before an
12 action may be filed.

13 (2) If a political subdivision has received two or more notices
14 containing materially different proposed remedies, the political
15 subdivision shall work in good faith with the persons to implement a
16 remedy that provides the protected class or classes identified in the
17 notices an equal opportunity to elect candidates of their choice. If
18 the political subdivision adopts one of the remedies offered, or a
19 different remedy that takes multiple notices into account, the
20 political subdivision shall seek a court order acknowledging that the
21 political subdivision's remedy is reasonably necessary to avoid a
22 violation of section 104 of this act. The persons who submitted the
23 notice may support or oppose such an order, and may obtain public
24 records to do so. The political subdivision must provide all
25 political, census, and demographic data and any analysis of that data
26 used to develop the remedy in its filings seeking the court order and
27 with any documents made public. All facts and reasonable inferences
28 shall be viewed in the light most favorable to those opposing the
29 political subdivision's proposed remedy at this stage. There shall be
30 a rebuttable presumption that the court will decline to approve the
31 political subdivision's proposed remedy at this stage.

32 (3) If the court concludes that the political subdivision's
33 remedy complies with section 104 of this act, an action under this
34 act may not be brought against that political subdivision for four
35 years by any party so long as the political subdivision does not
36 enact a change to or deviation from the remedy during this four-year
37 period that would otherwise give rise to an action under this act.

38 **PART IV - SAFE HARBOR AND LEGAL ACTION UNDER THIS ACT**

1 NEW SECTION. **Sec. 401.** (1) After exhaustion of the time period
2 in section 304 of this act, any voter who resides in a political
3 subdivision where a violation of section 104 of this act is alleged
4 may file an action in the superior court of the county in which the
5 political subdivision is located. If the action is against a county,
6 the action may be filed in the superior court of such county, or in
7 the superior court of either of the two nearest judicial districts as
8 determined pursuant to RCW 36.01.050(2). An action filed pursuant to
9 this chapter does not need to be filed as a class action.

10 (2) Members of different protected classes may file an action
11 jointly pursuant to this act if they demonstrate that the combined
12 voting preferences of the multiple protected classes are polarized
13 against the rest of the electorate.

14 NEW SECTION. **Sec. 402.** (1) In an action filed pursuant to this
15 act, the trial court shall set a trial to be held no later than one
16 year after the filing of a complaint, and shall set a discovery and
17 motions calendar accordingly.

18 (2) For purposes of any applicable statute of limitations, a
19 cause of action under this act arises every time there is an election
20 for any members of the governing body of the political subdivision.

21 (3) The plaintiff's constitutional right to the secrecy of the
22 plaintiff's vote is preserved and is not waived by the filing of an
23 action pursuant to this act, and the filing is not subject to
24 discovery or disclosure.

25 (4) In seeking a temporary restraining order or a preliminary
26 injunction, a plaintiff shall not be required to post a bond or any
27 other security in order to secure such equitable relief.

28 (5) No notice may be submitted to any political subdivision
29 pursuant to this act before July 19, 2018.

30 NEW SECTION. **Sec. 403.** (1) The court may order appropriate
31 remedies including, but not limited to, the imposition of a district-
32 based election system. The court may order the affected jurisdiction
33 to draw or redraw district boundaries or appoint an individual or
34 panel to draw or redraw district lines. The proposed districts must
35 be approved by the court prior to their implementation.

36 (2) Implementation of a district-based remedy is not precluded by
37 the fact that members of a protected class do not constitute a
38 numerical majority within a proposed district-based election

1 district. If, in tailoring a remedy, the court orders the
2 implementation of a district-based election district where the
3 members of the protected class are not a numerical majority, the
4 court shall do so in a manner that provides the protected class an
5 equal opportunity to elect candidates of their choice. The court may
6 also approve a district-based election system that provides the
7 protected class the opportunity to join in a coalition of two or more
8 protected classes to elect candidates of their choice if there is
9 demonstrated political cohesion among the protected classes.

10 (3) In tailoring a remedy after a finding of a violation of
11 section 104 of this act:

12 (a) If the court's order providing a remedy or approving proposed
13 districts, whichever is later, is issued during the period of time
14 between the first Tuesday after the first Monday of November and on
15 or before January 15th of the following year, the court shall order
16 new elections, conducted pursuant to the remedy, to occur at the next
17 succeeding general election. If a special filing period is required,
18 filings for that office shall be reopened for a period of three
19 business days, such three-day period to be fixed by the filing
20 officer.

21 (b) If the court's order providing a remedy or approving proposed
22 districts, whichever is later, is issued during the period of time
23 between January 16th and on or before the first Monday of November,
24 the next election will occur as scheduled and organized under the
25 current electoral system, but the court shall order new elections to
26 occur pursuant to the remedy at the general election the following
27 calendar year.

28 (c) The remedy may provide for the political subdivision to hold
29 elections for the members of its governing body at the same time as
30 regularly scheduled elections for statewide or federal offices.

31 (4) Within thirty days of the conclusion of any action filed
32 under section 402 of this act, the political subdivision must publish
33 on the subdivision's web site, the outcome and summary of the action,
34 as well as the legal costs incurred by the subdivision. If the
35 political subdivision does not have its own web site, then it may
36 publish on the county web site.

37 NEW SECTION. **Sec. 404.** (1) No action under this act may be
38 brought by any person against a political subdivision that has
39 adopted a remedy to its electoral system after an action is filed

1 that is approved by a court pursuant to section 303 of this act or
2 implemented a court-ordered remedy pursuant to section 403 of this
3 act for four years after adoption of the remedy if the political
4 subdivision does not enact a change to or deviation from the remedy
5 during this four-year period that would otherwise give rise to an
6 action under this act.

7 (2) No action under this act may be brought by any person against
8 a political subdivision that has adopted a remedy to its electoral
9 system in the previous decade before the effective date of this
10 section as a result of a claim under the federal voting rights act
11 until after the political subdivision completes redistricting
12 pursuant to RCW 29A.76.010 for the 2020 decennial census.

13 NEW SECTION. **Sec. 405.** (1) In any action to enforce this
14 chapter, the court may allow the prevailing plaintiff or plaintiffs,
15 other than the state or political subdivision thereof, reasonable
16 attorneys' fees, all nonattorney fee costs as defined by RCW
17 4.84.010, and all reasonable expert witness fees. No fees or costs
18 may be awarded if no action is filed.

19 (2) Prevailing defendants may recover an award of fees or costs
20 pursuant to RCW 4.84.185.

21 **PART V - MISCELLANEOUS PROVISIONS**

22 NEW SECTION. **Sec. 501.** The provisions of parts I, III, and IV
23 of this act are not applicable to cities and towns with populations
24 under one thousand or to school districts with K-12 full-time
25 equivalent enrollments of less than two hundred fifty.

26 NEW SECTION. **Sec. 502.** A new section is added to chapter 29A.76
27 RCW to read as follows:

28 In any change to its electoral system under section 201 of this
29 act or preparation of a redistricting plan under section 201 of this
30 act, political subdivisions may use population data regarding
31 political parties only to the extent necessary to ensure compliance
32 with this act or federal law.

33 NEW SECTION. **Sec. 503.** This act supersedes other state laws and
34 local ordinances to the extent that those state laws or ordinances

1 would otherwise restrict a jurisdiction's ability to comply with this
2 act.

3 NEW SECTION. **Sec. 504.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 505.** Sections 101 through 202, 301 through
8 501, and 503 of this act constitute a new chapter in Title 29A RCW."

9 Correct the title.

--- END ---