

HOUSE BILL REPORT

HB 1535

As Reported by House Committee On:
State Government, Elections & Information Technology

Title: An act relating to county commissioner elections.

Brief Description: Addressing county commissioner elections.

Sponsors: Representatives Riccelli, Ormsby and Tharinger.

Brief History:

Committee Activity:

State Government, Elections & Information Technology: 2/7/17, 2/14/17 [DP].

Brief Summary of Bill

- Requires noncharter counties with a population at or over 400,000 to conduct district-based elections for commissioner positions, beginning in 2022.
- Allows other noncharter counties to choose by ordinance of county vote to conduct district-based commissioner elections.

HOUSE COMMITTEE ON STATE GOVERNMENT, ELECTIONS & INFORMATION TECHNOLOGY

Majority Report: Do pass. Signed by 5 members: Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton, Gregerson and Pellicciotti.

Minority Report: Do not pass. Signed by 4 members: Representatives Koster, Ranking Minority Member; Volz, Assistant Ranking Minority Member; Irwin and Kraft.

Staff: Sean Flynn (786-7124).

Background:

The Washington Constitution broadly sets out the form of county government, including the establishment of county commissions as the governing body of the county. Counties also may adopt their own form of government by county charter. The Legislature may proscribe

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the election, terms of office, and duties of the noncharter county commissioners, as well as other county officials.

Under state law, noncharter county commissions are comprised of a three-member board, elected on a partisan basis to four-year staggered terms. Noncharter counties with populations over 300,000 may choose to increase the number of commissioners from three to five, if approved by the voters at a general election. Currently, only Spokane County fits within this category.

Each county is divided into districts to correspond with the number of commissioner positions. Each commissioner district must have approximately the same population. Candidates for each commissioner position are nominated in a district-based primary by voters from the district. Qualifying candidates from all districts then run in a countywide general election, with voters of the entire county electing the commissioners for each commissioner position.

The county commissioners may redistrict their districts after each decennial federal census, in order to readjust the population equivalence of each district. The county commissioners must provide public notice and hold at least one public hearing before adopting any redistricting plan.

Summary of Bill:

District-Based Elections Mandatory.

Beginning in 2022, each noncharter county with a population at or over 400,000 must provide district-based general elections, where voters within each commission district elect the commissioner from their district. Any commissioner with over one year left on his or her term by the end of 2022 is subject to the new election. The initial term of one of the commissioner positions at the first election must be a two-year term, in order to implement staggered terms. A noncharter county that changes to a five-member county commission must provide district-based elections.

Before conducting the new elections system in 2022, the county must adopt a new redistricting plan in that same year. The plan requires the formation of a five-member redistricting committee to approve the redistricting plan. The committee must appoint a districting master to create the plan within 45 days of his or her appointment. The committee must adopt or amend the plan after holding a public meeting. The redistricting plan becomes effective the following even-numbered year.

District-Based Elections Optional.

Any noncharter county with a population under 400,000 may elect to change to district-based elections for county commissioners. The change may be adopted by ordinance or through a voter initiative. A petition for a voter initiative must be at least 10 percent of the votes cast in the last general election, with at least 20 percent of the petition including residents from each

commissioner district. Upon adoption of a district-based election system, the county must redistrict the county in the same method used for counties required to adopt district-based elections in 2022.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) At-large general elections can disenfranchise many voters whose votes are not represented on a countywide level. Population growth in some areas calls for new election systems that can represent diverse communities. District-based elections provide more representation in government by engaging more residents in county issues and lead to more responsible representation from county leaders. Leaders elected from districts are better informed to represent diverse needs of their communities. Providing for an independent redistricting board eliminates any conflicts of interest of districts being drawn by elected officials.

(Opposed) The executive branch function of county commissioners deserves broad participation in the election of county commissioners. Requiring district-only elections will prevent broad participation in the election process and deprive voters from participating in certain county election races. Allowing counties to adopt district-based elections would violate the uniformity clause of the state Constitution requiring the Legislature to provide for a uniform county election system. Counties that want the option to change their election system can use the home rule charter process as the vehicle for change.

Persons Testifying: (In support) Representative Riccelli, prime sponsor; and Neil Beaver, Center for Justice.

(Opposed) Mike Burgess, Spokane County; and Josh Weiss, Washington Association of Counties.

Persons Signed In To Testify But Not Testifying: None.