

# HOUSE BILL REPORT

## SHB 2887

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### As Passed Legislature

**Title:** An act relating to county commissioner elections.

**Brief Description:** Addressing county commissioner elections.

**Sponsors:** House Committee on State Govt, Elections & IT (originally sponsored by Representatives Riccelli, Holy, Volz, Ormsby, Shea, McCaslin and Frame).

#### **Brief History:**

##### **Committee Activity:**

State Government, Elections & Information Technology: 1/30/18, 1/31/18 [DPS].

##### **Floor Activity:**

Passed House: 2/8/18, 83-14.

Senate Amended.

Passed Senate: 2/27/18, 38-10.

House Concurred.

Passed House: 3/3/18, 81-15.

Passed Legislature.

#### **Brief Summary of Substitute Bill**

- Requires noncharter counties with a population at or over 400,000 to conduct district-based elections for commissioner positions, beginning in 2022.
- Establishes a redistricting process to create a districting plan for a qualifying county.

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### HOUSE COMMITTEE ON STATE GOVERNMENT, ELECTIONS & INFORMATION TECHNOLOGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton, Gregerson, Irwin, Johnson and Pellicciotti.

**Staff:** Sean Flynn (786-7124).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Background:**

The state Constitution broadly sets out the form of county government in the state, including the establishment of county commissions as the governing body of the county. The Constitution also allows counties to adopt their own form of government by county charter. The Legislature may proscribe 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 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 one week before adopting any redistricting plan.

**Summary of Substitute Bill:**

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

To implement the new district election system, the qualifying county must establish a five-member redistricting committee by April 30, 2021, to adopt a districting plan for the county. The state legislators whose districts are partially or wholly within the qualifying county may select four of the members of the committee, with such state legislator from each caucus of the House of Representatives and the Senate selecting one member of the committee, respectively. If by April 1, 2021, any of the four members have not been appointed, then the legislative leader of the caucus not making the selection may make the appointment.

The fifth member of the committee must be selected by a majority of the other four members. If the fifth member is not appointed by April 15, 2021, then the county board of commissioners must make the appointment. The fifth member serves as the nonvoting chair of the committee.

Members of the committee must be registered voters and residents of the county, may not have lobbied or contracted with the county within the previous two years, and may not have been appointed or elected as a legislative, county, or party official within the previous two years of appointment. Committee members may not engage in campaign activities while serving on the committee.

Within four months of formation, the committee must prepare and publish a draft districting plan, which divides the county into five commissioner districts. Each district must, as nearly as possible, be compact and contiguous, include natural communities and equal populations, and correspond with election precincts. The committee must prepare the draft in public meetings, and the committee records must be made public.

Within 60 days of publication, the committee may adopt the plan, after soliciting comments, holding at least one hearing, and amending the draft as needed. If the committee does not adopt a plan within 60 days, then it must submit the plan to the state Redistricting Commission (Commission) with instructions to approve a districting plan for the county. Within 60 days of receiving notice, the Commission must convene to approve a districting plan for the county.

The districting plan becomes effective once the county redistricting committee or the state Commission submits the districting plan to the county auditor. The county redistricting committee must reconvene each year ending in one to draft and adopt a new districting plan in accordance with the same process.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 9, relating to counties over 300,000 people increasing county boards of commissioners to five members, which takes effect January 1, 2021.

**Staff Summary of Public Testimony:**

(In support) This issue has been worked out by the parties and the bill represents an agreed plan that would benefit the residents of Spokane County.

(Opposed) Creating a new board of commissioners and a new election system will increase costs for the county. This attempt to change one county's form of government would violate the uniformity requirement for counties in the state Constitution. It is not good policy to involve the Legislature in a local political issue. It is possible that there may not be at least one qualifying member from each of the caucuses to choose a redistricting committee member, and if there is no member then the decision is made by the legislative leader of the caucus who is not elected from voters within the county.

**Persons Testifying:** (In support) Representative Riccelli, prime sponsor.

(Opposed) Mike Burgess, Spokane County.

**Persons Signed In To Testify But Not Testifying: None.**