

# SENATE BILL REPORT

## SB 5398

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As Reported by Senate Committee On:  
State Government, February 17, 2017

**Title:** An act relating to modification of precinct and district boundary lines.

**Brief Description:** Concerning modification of precinct and district boundary lines.

**Sponsors:** Senators Miloscia, Hunt and Zeiger; by request of Secretary of State.

**Brief History:**

**Committee Activity:** State Government: 2/01/17, 2/17/17 [DPS].

### Brief Summary of Substitute Bill

- Authorizes county auditors to recommend modifications to precinct division or boundaries to the county legislative authority.
- Provides exceptions for the requirement that precincts be contiguous.
- Moves deadline for the Redistricting Commission to submit the redistricting plan to the Legislature by November 20th of each year ending in one.

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## SENATE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** That Substitute Senate Bill No. 5398 be substituted therefor, and the substitute bill do pass.

Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

**Staff:** Samuel Brown (786-7470)

**Background:** Precinct Boundaries. Although Washington conducts elections entirely by mail, each county is still divided into election precincts for administrative purposes. Voters in each precinct elect precinct committee officers, who have specific constitutional responsibilities. The county legislative authority divides the county into election precincts and establishes precinct boundaries, although the county auditor may temporarily adjust precinct boundaries to reflect an annexation or incorporation until modifications are formally

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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.*

adopted by the county legislative authority. Except for such modifications, precinct boundaries must remain constant from 14 days before candidates file to run in the primary election until the day of the general election.

Precincts are limited to 1500 active, registered voters, although the county legislative authority may establish a lower maximum voter limit. Precincts must be entirely within a single congressional district, legislative district, district of the county legislative authority, and city, if applicable. Precincts must be as contiguous and compact as practicable. Changes to precinct boundaries must follow visible, physical features on United States Census Bureau maps, unless changes are necessitated by annexation or incorporation of territory or doing so would impair election administration.

Redistricting Commission. The state Redistricting Commission (Commission), established by constitutional amendment, provides for the redistricting of state legislative and congressional districts every ten years based on the federal decennial census. The Commission is composed of five members. The legislative leaders of each of the two largest political caucuses in each house of the Legislature appoint one person to the Commission, and the fifth person, the chair, is appointed by the four legislative appointees. The affirmative vote of three members is required to approve the redistricting plan.

In 2016, the voters ratified SJR 8210, a constitutional amendment requiring the Commission to complete redistricting by November 15th of each year ending in one. Under previous law, the Commission was required to complete redistricting and submit its plan to the Legislature by January 1st of each year ending in two.

**Summary of Bill (First Substitute):** Precinct Boundaries. The county auditor may recommend, in writing, any adjustment to the division of election precincts or precinct boundaries to the county legislative authority at least 52 days before the beginning of the candidate filing period. If the county legislative authority does not reject or modify the recommendation within 45 days, it is adopted. Counties may no longer establish maximum voter limits for precincts of less than 1500 voters. Precinct boundaries can be modified up to seven days before candidates file to run in the primary election.

Voting precincts must be entirely within or entirely without a single city or town, and where applicable, an entire city or town council district or ward. Non-contiguous unincorporated areas lying between city, town, or district boundaries may be combined with similar nearby areas into a single precinct. Non-contiguous incorporated areas of the same city or town may be included in the same precinct. The requirement that precinct boundary changes follow visible, physical features on United States Census Bureau maps, with certain exceptions, is removed.

Redistricting Commission. The Commission must submit its redistricting plan to the Legislature by November 20th of each year ending in one.

**EFFECT OF CHANGES MADE BY STATE GOVERNMENT COMMITTEE (First Substitute):** The authority to divide the county into election precincts remains with the county legislative authority. The county auditor may recommend, in writing, any adjustment to the division of election precincts or precinct boundaries to the county legislative authority

at least 52 days before the beginning of the candidate filing period. If the county legislative authority does not reject or modify the recommendation within 45 days, it is adopted.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: This bill provides the ability to combine smaller isolated voting precincts into nearby similar precincts, allowing for greater privacy for low-populated precincts. It saves time by allowing auditors to change boundaries to merge and potentially create smaller precincts. County commissions may take months to complete a boundary change and this bill saves time by transferring that authority to county auditors.

CON: We oppose the provision removing county commissioners' ability to change precinct boundaries. The county commissioner process is the only open process that provides for public comment.

**Persons Testifying:** PRO: David Elliott, Office of the Secretary of State.

CON: Josh Weiss, Washington State Association of Counties.

**Persons Signed In To Testify But Not Testifying:** No one.