

SENATE BILL REPORT

SB 6512

As of January 30, 2018

Title: An act relating to county commissioner elections.

Brief Description: Addressing county commissioner elections.

Sponsors: Senators Baumgartner, Billig and Padden.

Brief History:

Committee Activity: Local Government: 1/30/18.

Brief Summary of Bill

- Requires a noncharter county with a population of 400,000 or more to establish a redistricting committee by April 30, 2021, to divide the county into five commissioner districts.
- Requires a noncharter county with a population of 400,000 or more to hold district-based elections for county commissioners beginning in 2022.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Staff: Bonnie Kim (786-7316)

Background: Forms of County Government. The standard form of county government is a three-member board of commissioners, serving staggered four-year terms so that either one or two commissioners are elected in each even-numbered year. Counties with populations of 300,000 or more may, upon voter approval, elect five commissioners instead of three. Counties may adopt a home rule charter to provide for a different form of government than the standard commission form. Clallam, Clark, King, Pierce, San Juan, Snohomish, and Whatcom counties have adopted home rule charters.

County Commissioner Elections. With the exception of San Juan and Island counties, counties with three or five commissioners are divided into three or five commissioner districts with approximately equal shares of the population. County commissioners are elected by the voters of the entire county in a two-step process:

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- candidates from each district participate in a primary election of voters of the district in which the candidate resides, with the top two vote-getters advancing to the general election; and
- commissioners are elected at a general election by the voters of the entire county—he person receiving the highest number of votes for the office of commissioner for the district in which the person resides is deemed elected from that district.

The Ninth Circuit Court of Appeals, in the case of *Public Integrity Alliance, Inc. v. City of Tucson*, held that Tucson, Arizona's municipal election system of district-based primaries and at-large general elections violated the Equal Protection Clause of the Fourteenth Amendment by depriving voters of their right to vote in a primary for individuals who would ultimately serve as their at-large representatives.

Redistricting. Election district boundaries are adjusted to reflect changes in population reflected in the decennial census in years ending in one. The state Redistricting Commission adjusts boundaries for congressional and state legislative districts. Counties, municipal corporations, and special purpose districts with internal districts intended to represent equal numbers of people must also adjust their district boundaries to represent equal shares of the district's population based on new census data. Counties, municipal corporations, and special purpose districts have eight months after receiving decennial census data to prepare their plans for redistricting internal boundaries.

Population data may not be used to favor or disfavor any racial group or political party in the redistricting process. All redistricting plans must provide for districts that:

- divide the population as equally as possible;
- are as compact as possible;
- consist of geographically contiguous areas;
- coincide to the extent feasible with existing natural boundaries; and
- preserve existing communities of related and mutual interest.

During adoption of its redistricting plan, a local government must provide public notice of its actions, including holding at least one public hearing one week before final adoption.

Summary of Bill: By April 30, 2021, each noncharter county with a population of 400,000 or more must establish a redistricting committee to create a plan for dividing the county into five commissioner districts. Beginning in 2022, elections must be held for county commissioners in accordance with the redistricting plan. Each commissioner must reside in the district the commissioner represents and is elected by the voters of the district at both the primary and general elections.

County Commission Expansion by Voter Approval. The board of commissioners of a noncharter county with a population of more than 300,000 and less than 400,000 may submit a ballot proposal to approve an increase to the board from three to five members. This section takes effect on January 1, 2021.

County Redistricting Committee Membership. Redistricting committees consist of five appointed members: the two largest political parties in the county each appoint two

members, and a fifth member, the committee chair, is appointed by a majority of the other members.

Each committee member must be a registered voter and resident of the county; cannot have been registered as a lobbyist within two years prior to their committee appointment; and cannot have served as an elected official or elected legislative, county, or state party officer within the two years prior to appointment. Committee members may not campaign for office or actively participate in a political campaign for county elective office while serving on the committee. Committee members may not hold office as or campaign for county commissioner for at least two years after serving on the committee.

County Redistricting Committee Activities. Within six months of being established, the redistricting committee must prepare and publish a draft districting plan dividing the county into five districts. Within 60 days of publishing the draft plan, the committee must solicit public comments; hold at least one public hearing; amend the draft as necessary after receiving public comment; and either (1) adopt the plan by majority vote and file with the county auditor or (2) notify the state redistricting commission with instructions to approve the plan for the county.

Prior to adoption, the county must publish the draft plan and hold a public meeting within ten days of publishing and at least one week before adopting the plan. If amended, the county must republish the plan for additional public comment at least one week before adoption.

Alternatively, if submitted to the state redistricting commission, the commission must approve a districting plan within 60 days of receiving notice from the committee and file with the county auditor. The plan becomes effective upon filing by either the committee or the commission.

The boundaries of the commissioner districts must correspond as practicably as possible with election precinct boundaries and should hold approximately equal populations.

Subsequent redistricting committees must be established by April 30 of each year ending in one.

Appropriation: None.

Fiscal Note: Not requested.

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

Effective Date: Ninety days after adjournment of session in which bill is passed, except that section 9 takes effect on January 1, 2021.

Staff Summary of Public Testimony: CON: In 2015, Spokane voters rejected a proposal to expand the board of commissioners from three to five. The prescribed make-up of the redistricting committee may result in members representing a district in which they do not reside. This bill would be challenged and found unconstitutional as a violation of the uniformity in governance requirements.

Persons Testifying: CON: Mike Burgess, Spokane County; Josh Weiss, Washington State Association of Counties.

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