
HOUSE BILL 1535

State of Washington 65th Legislature 2017 Regular Session

By Representatives Riccelli, Ormsby, and Tharinger

Read first time 01/23/17. Referred to Committee on State Government.

1 AN ACT Relating to county commissioner elections; amending RCW
2 36.32.030, 36.32.050, 29A.76.010, and 36.32.0556; adding new sections
3 to chapter 36.32 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.32
6 RCW to read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "District" means a geographic area within county boundaries
10 and designated in a county redistricting plan, as provided in section
11 5 of this act.

12 (2) "District election" means a candidate from each district is
13 elected in a general election by the voters of the district in which
14 the candidate resides.

15 (3) "District nomination" means a candidate from each district is
16 nominated in a primary election by the voters of the district in
17 which the candidate resides.

18 (4) "Major political party" has the same meaning as in RCW
19 29A.04.086.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.32
2 RCW to read as follows:

3 (1)(a) By January 31, 2022, any noncharter county with a
4 population of four hundred thousand or more must establish a
5 redistricting committee, in accordance with section 4 of this act, to
6 review and adjust county commissioner districts. The three
7 commissioner districts established by the redistricting committee
8 must be designated as districts numbered one, two, and three. Any
9 districting plan adopted by the redistricting committee must
10 designate the initial terms of office for each of the three county
11 commissioner positions, as provided in RCW 36.32.030(2).

12 (b) Beginning in 2022, district elections for all county
13 commissioners of a noncharter county with a population of four
14 hundred thousand or more must be held in accordance with any
15 districting plan adopted by a redistricting committee that is
16 established in accordance with section 5 of this act.

17 (2) After 2022, by April 30th of each year ending in one, any
18 noncharter county with a population of four hundred thousand or more
19 must establish a redistricting committee in accordance with section 4
20 of this act. The redistricting committee must review and adjust as
21 necessary the boundaries of the county's three commissioner
22 districts.

23 (3) The provisions of this section do not apply if a county with
24 a population of four hundred thousand or more has increased its
25 commissioners to five members, in accordance with RCW 36.32.055.

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.32
27 RCW to read as follows:

28 (1) Upon the approval of a majority of registered voters in the
29 county, or by county ordinance adopted by the county commissioners,
30 any noncharter county with a population of less than four hundred
31 thousand may choose to hold both district nominations and district
32 elections for the office of county commissioner. Each commissioner
33 must reside in a separate commissioner district and be nominated and
34 elected by the voters of the district in which he or she resides.

35 (2)(a) Upon a petition of county voters equal to at least ten
36 percent of the voters voting at the last county general election, a
37 ballot proposition must be submitted to the voters of the county
38 authorizing district nominations and district elections for the
39 office of county commissioner. At least twenty percent of the

1 signatures on the petition must come from each of the existing
2 commissioner districts.

3 (b) A petition requesting district nominations and district
4 elections of county commissioners must be submitted to the county
5 auditor for verification of signatures. Within thirty days after
6 submission of the petition, the auditor must determine and certify
7 whether the petition contains the requisite number of valid
8 signatures, and then forward the petition to the board of county
9 commissioners. If the petition has been signed by the requisite
10 number of county voters, the board of county commissioners must
11 submit the proposition to the voters for their approval or rejection
12 at the next general election held at least sixty days after the
13 proposition has been certified by the auditor.

14 (3) Within fifteen days after a proposition submitted to county
15 voters under this section is approved, the county must establish a
16 redistricting committee in accordance with section 4 of this act. The
17 redistricting committee shall divide the county into three
18 commissioner districts. Beginning in the even-numbered year following
19 the adoption of a redistricting plan by the committee, nominations
20 and elections of county commissioners must be held in accordance with
21 the adopted districting plan.

22 (4) By April 30th of each year ending in one, any noncharter
23 county with a population of less than four hundred thousand that has
24 chosen to hold district nominations and district elections for the
25 office of county commissioner must establish a redistricting
26 committee in accordance with section 4 of this act. The redistricting
27 committee must review and adjust as necessary the boundaries of the
28 county's commissioner districts.

29 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.32
30 RCW to read as follows:

31 (1) County redistricting committees established under this
32 chapter must have five members appointed in accordance with this
33 subsection. The two major political parties in the county shall each
34 appoint two members to the committee. A fifth member must be
35 appointed to the redistricting committee by an affirmative vote of at
36 least three of the four committee members appointed by political
37 parties. The fifth appointed member shall serve as chair of the
38 redistricting committee.

1 (2) A vacancy on a redistricting committee must be filled in the
2 same manner as the initial appointment within fifteen days after the
3 vacancy occurs.

4 (3) No person may serve on a redistricting committee who:

5 (a) Is not a registered voter of the state at the time of
6 appointment;

7 (b) Is not a resident of the county;

8 (c) Is or within two years before appointment was a consultant
9 for or had a contract with the county, or had been a registered
10 lobbyist that lobbies the county commission; or

11 (d) Is or within two years before appointment was an elected
12 official or elected legislative, county, or state party officer.

13 (4) Members of a redistricting committee may not:

14 (a) Campaign for elective office while a member of the committee;

15 (b) Actively participate in or contribute to any political
16 campaign of any candidate for county elective office while a member
17 of the committee; or

18 (c) Hold or campaign for a seat as a county commissioner for two
19 years after the date the redistricting committee concludes its duties
20 under this chapter.

21 (5) Before serving on a county redistricting committee, every
22 person must take and subscribe an oath to faithfully perform the
23 duties of that office.

24 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.32
25 RCW to read as follows:

26 (1) Within thirty days after a redistricting committee is
27 established under this chapter, the committee must appoint by an
28 affirmative vote of at least four of its five members a districting
29 master. The districting master must be qualified by education,
30 training, and experience to draw a districting plan for the county.
31 The districting master is not required to be a county resident. If a
32 redistricting committee does not appoint a districting master within
33 thirty days, the county auditor must appoint a districting master
34 within the next thirty days.

35 (2) No more than forty-five days after the appointment of a
36 districting master to a redistricting committee, the districting
37 master must:

38 (a) Prepare a draft districting plan dividing the county into
39 three commissioner districts;

1 (b) Solicit written public comment on the draft districting plan;
2 (c) Amend the draft as necessary after public comments are
3 received and resubmit any amended draft for written public comment;
4 and
5 (d) Submit the draft plan to the redistricting committee after
6 additional public comments are received.

7 (3)(a) Within ten days after receiving the draft districting
8 plan, the redistricting committee must publish the draft plan and
9 provide an opportunity for public comment.

10 (b) Within ten days of publishing the draft plan, the
11 redistricting committee:

12 (i) Must hold at least one public hearing on the plan, including
13 notice and public comment; and
14 (ii) May adopt the districting plan; or
15 (iii) May, by an affirmative vote of at least four of the five
16 committee members, adopt an amended districting plan.

17 (c) If the redistricting committee does not approve and adopt the
18 original or an amended districting plan within thirty days after it
19 is submitted by the districting master, the districting plan as
20 submitted must be deemed approved and adopted.

21 (d) The redistricting committee must promptly file the adopted
22 districting plan with the county auditor. The districting plan is
23 effective upon filing.

24 (e) County commissioner elections pursuant to the districting
25 plan filed with the county auditor must begin in the next even-
26 numbered year.

27 (4) Each commissioner district established by a redistricting
28 committee under this section must comprise as nearly as possible one-
29 third of the population of the county. The boundaries of commissioner
30 districts must:

31 (a) Correspond as nearly as practicable to election precinct
32 boundaries; and
33 (b) Create districts with compact, contiguous territory
34 containing geographic units, natural communities, and approximately
35 equal populations.

36 (5) Upon filing of the adopted districting plan with the county
37 auditor, the redistricting committee is dissolved until such time as
38 a new redistricting committee is established as provided in sections
39 2 and 3 of this act.

1 **Sec. 6.** RCW 36.32.030 and 2015 c 53 s 63 are each amended to
2 read as follows:

3 (1) Except as provided otherwise in subsection (2) of this
4 section, the terms of office of county commissioners shall be four
5 years and shall extend until their successors are elected and
6 qualified and assume office in accordance with RCW 29A.60.280(~~PROVIDED, That~~)
7 The terms of office of county commissioners shall be
8 staggered so that either one or two commissioners are elected at a
9 general election held in ((a)) each even-numbered year.

10 (2) Except as provided otherwise in section 2 of this act, at the
11 general election held in 2022, any noncharter county with a
12 population of four hundred thousand or more must elect three county
13 commissioners in accordance with a districting plan adopted under
14 section 5 of this act. Any county commissioner whose term is set to
15 expire on or after January 1, 2023, is subject to the new election in
16 accordance with this section. The three county commissioners shall
17 begin their terms of office on January 1, 2023, and as designated in
18 the districting plan: Two of the county commissioners shall serve
19 terms of four years and one of the county commissioners shall serve a
20 term of two years. The districts in which commissioners will serve
21 initial terms of four years and the district in which a commissioner
22 will serve an initial term of two years must be identified in the
23 adopted districting plan. All successive county commissioners elected
24 to office shall serve staggered terms of four years, with either one
25 or two commissioners elected in each even-numbered year.

26 **Sec. 7.** RCW 36.32.050 and 2009 c 549 s 4063 are each amended to
27 read as follows:

28 (1) Except as provided otherwise in subsection (2) of this
29 section or this chapter, county commissioners shall be elected by the
30 qualified voters of the county and the person receiving the highest
31 number of votes for the office of commissioner for the district in
32 which he or she resides shall be declared duly elected from that
33 district.

34 (2) In any noncharter county with a population of four hundred
35 thousand or more, or in any county that has approved a proposition to
36 hold district nominations and district elections under section 3 of
37 this act, county commissioners must be elected by the qualified
38 electors of the commissioner district in which he or she resides. The
39 person receiving the highest number of votes at a general election

1 for the office of commissioner for the district in which he or she
2 resides must be declared duly elected from that district.

3 **Sec. 8.** RCW 29A.76.010 and 2011 c 349 s 26 are each amended to
4 read as follows:

5 (1) It is the responsibility of each county, municipal
6 corporation, and special purpose district with a governing body
7 comprised of internal director, council, or commissioner districts
8 not based on statutorily required land ownership criteria to
9 periodically redistrict its governmental unit, based on population
10 information from the most recent federal decennial census.

11 (2) Within forty-five days after receipt of federal decennial
12 census information applicable to a specific local area, the
13 commission established in RCW 44.05.030 shall forward the census
14 information to each municipal corporation, county, and district
15 charged with redistricting under this section.

16 (3) Except as otherwise provided in this act, no later than eight
17 months after its receipt of federal decennial census data, the
18 governing body of the municipal corporation, county, or district
19 shall prepare a plan for redistricting its internal or director
20 districts.

21 (4) The plan shall be consistent with the following criteria:

22 (a) Each internal director, council, or commissioner district
23 shall be as nearly equal in population as possible to each and every
24 other such district comprising the municipal corporation, county, or
25 special purpose district.

26 (b) Each district shall be as compact as possible.

27 (c) Each district shall consist of geographically contiguous
28 area.

29 (d) Population data may not be used for purposes of favoring or
30 disfavoring any racial group or political party.

31 (e) To the extent feasible and if not inconsistent with the basic
32 enabling legislation for the municipal corporation, county, or
33 district, the district boundaries shall coincide with existing
34 recognized natural boundaries and shall, to the extent possible,
35 preserve existing communities of related and mutual interest.

36 (5) During the adoption of its plan, the municipal corporation,
37 county, or district shall ensure that full and reasonable public
38 notice of its actions is provided. Before adopting the plan, the
39 municipal corporation, county, or district (~~shall hold at least one~~

1 ~~public hearing on the redistricting plan at least one week before~~
2 ~~adoption of the plan)) must:~~

3 (a) Publish the draft plan and hold a meeting, including notice
4 and comment, within ten days of publishing the draft plan and at
5 least one week before adopting the plan; and

6 (b) Amend the draft as necessary after receiving public comments
7 and resubmit any amended draft plan for additional written public
8 comment at least one week before adopting the plan.

9 (6)(a) Any registered voter residing in an area affected by the
10 redistricting plan may request review of the adopted local plan by
11 the superior court of the county in which he or she resides, within
12 fifteen days of the plan's adoption. Any request for review must
13 specify the reason or reasons alleged why the local plan is not
14 consistent with the applicable redistricting criteria. The municipal
15 corporation, county, or district may be joined as respondent. The
16 superior court shall thereupon review the challenged plan for
17 compliance with the applicable redistricting criteria set out in
18 subsection (4) of this section.

19 (b) If the superior court finds the plan to be consistent with
20 the requirements of this section, the plan shall take effect
21 immediately.

22 (c) If the superior court determines the plan does not meet the
23 requirements of this section, in whole or in part, it shall remand
24 the plan for further or corrective action within a specified and
25 reasonable time period.

26 (d) If the superior court finds that any request for review is
27 frivolous or has been filed solely for purposes of harassment or
28 delay, it may impose appropriate sanctions on the party requesting
29 review, including payment of attorneys' fees and costs to the
30 respondent municipal corporation, county, or district.

31 **Sec. 9.** RCW 36.32.0556 and 1990 c 252 s 5 are each amended to
32 read as follows:

33 (1) The commissioners in a five-member board of county
34 commissioners shall be elected to four-year staggered terms.

35 (2) Each commissioner shall reside in a separate commissioner
36 district. Each commissioner shall be nominated from a separate
37 commissioner district by the voters of that district.

1 (a) In any noncharter county with a population of fewer than four
2 hundred thousand, each commissioner shall be elected by the voters of
3 the entire county.

4 (b) In any noncharter county with a population of four hundred
5 thousand or more, each commissioner shall be elected by the voters of
6 the district in which he or she resides.

7 (3) Three members of a five-member board of commissioners shall
8 constitute a quorum to do business.

9 NEW SECTION. Sec. 10. This act may be known and cited as the
10 responsible representation act.

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