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SENATE BILL 5398

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State of Washington

65th Legislature

2017 Regular Session

By Senators Miloscia, Hunt, and Zeiger; by request of Secretary of State

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

1 AN ACT Relating to modification of precinct and district boundary  
2 lines; amending RCW 44.05.100 and 29A.16.050; and reenacting and  
3 amending RCW 29A.16.040.

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

5 **Sec. 1.** RCW 29A.16.040 and 2011 c 349 s 5 and 2011 c 10 s 26 are  
6 each reenacted and amended to read as follows:

7 The county (~~legislative authority~~) auditor of each county in  
8 the state shall divide the county into election precincts and  
9 establish the boundaries of the precincts.

10 (1) Precinct boundaries may be altered at any time as long as  
11 sufficient time exists prior to a given election for the necessary  
12 procedural steps to be honored. Except as permitted under subsection  
13 (3) of this section, no precinct changes may be made during the  
14 period starting (~~fourteen~~) seven days prior to the first day for  
15 candidates to file for the primary election and ending with the day  
16 of the general election.

17 (2) The (~~county legislative authority may establish by ordinance~~  
18 ~~a limitation on the~~) maximum number of active registered voters in  
19 each precinct (~~within its jurisdiction. The number may be less than~~  
20 ~~the number established by law, but in no case may the number exceed~~)  
21 is one thousand five hundred active registered voters.

1           (3) The county auditor shall temporarily adjust precinct  
2 boundaries when a city or town annexes unincorporated territory to  
3 the city or town, or whenever unincorporated territory is  
4 incorporated as a city or town. The adjustment must be made as soon  
5 as possible after the approval of the annexation or incorporation.  
6 The temporary adjustment must be limited to the minimum changes  
7 necessary to accommodate the addition of the territory to the city or  
8 town, or to establish the eligible voters within the boundaries of  
9 the new city or town, and remains in effect only until precinct  
10 boundary modifications reflecting the annexation or incorporation are  
11 formally adopted by the county (~~legislative authority~~) auditor.

12           **Sec. 2.** RCW 44.05.100 and 2002 c 4 s 1 are each amended to read  
13 as follows:

14           (1) Upon approval of a redistricting plan by three of the voting  
15 members of the commission, but not later than (~~January 1st~~)  
16 November 20th of the year ending in (~~two~~) one, the commission shall  
17 submit the plan to the legislature.

18           (2) After submission of the plan by the commission, the  
19 legislature shall have the next thirty days during any regular or  
20 special session to amend the commission's plan. If the legislature  
21 amends the commission's plan the legislature's amendment must be  
22 approved by an affirmative vote in each house of two-thirds of the  
23 members elected or appointed thereto, and may not include more than  
24 two percent of the population of any legislative or congressional  
25 district.

26           (3) The plan approved by the commission, with any amendment  
27 approved by the legislature, shall be final upon approval of such  
28 amendment or after expiration of the time provided for legislative  
29 amendment by subsection (2) of this section whichever occurs first,  
30 and shall constitute the districting law applicable to this state for  
31 legislative and congressional elections, beginning with the next  
32 elections held in the year ending in two. This plan shall be in force  
33 until the effective date of the plan based upon the next succeeding  
34 federal decennial census or until a modified plan takes effect as  
35 provided in RCW 44.05.120(6).

36           (4) If three of the voting members of the commission fail to  
37 approve and submit a plan within the time limitations provided in  
38 subsection (1) of this section, the supreme court shall adopt a plan  
39 by (~~March~~) February 1st of the year ending in two. Any such plan

1 approved by the court is final and constitutes the districting law  
2 applicable to this state for legislative and congressional elections,  
3 beginning with the next election held in the year ending in two. This  
4 plan shall be in force until the effective date of the plan based on  
5 the next succeeding federal decennial census or until a modified plan  
6 takes effect as provided in RCW 44.05.120(6).

7 **Sec. 3.** RCW 29A.16.050 and 2003 c 111 s 405 are each amended to  
8 read as follows:

9 (1) Every voting precinct must be wholly within a single  
10 congressional district, a single legislative district, a single  
11 district of a county legislative authority(~~(, and, if applicable, a~~  
12 ~~single city)~~). Every voting precinct must be either wholly outside of  
13 any city or town, or wholly within a single city or town and, where  
14 applicable, a single council district or ward of that city or town.

15 (2) Every voting precinct shall be composed, as nearly as  
16 practicable, of contiguous and compact areas. Subject to the  
17 restrictions on precinct boundaries in subsection (1) of this section  
18 and the maximum registered voter count established in RCW  
19 29A.16.040(2), (a) an unincorporated area entirely surrounded by one  
20 or more cities or towns, or an unincorporated area lying between the  
21 boundaries of one or more cities or towns and the boundary of a  
22 county, congressional district, legislative district, or county  
23 legislative authority district, may be included in a single precinct  
24 with other such areas or with nearby unincorporated territory, and  
25 (b) incorporated areas that are not contiguous with the remainder of  
26 the city or town of which they are a part may be included in the  
27 geographically nearest precinct belonging to that city or town.

28 (3) (~~Except as provided in this subsection, changes to the~~  
29 ~~boundaries of any~~) Precinct ((shall)) boundaries must preferentially  
30 follow local jurisdictional and electoral district boundaries and  
31 visible, physical features ((delineated on the most current maps  
32 provided by the United States census bureau. A change need not follow  
33 such visible, physical features if (a) it is necessitated by an  
34 annexation or incorporation and the proposed precinct boundary is  
35 identical to an exterior boundary of the annexed or incorporated area  
36 which does not follow a visible, physical feature; or (b) doing so  
37 would substantially impair election administration in the involved  
38 area))).

1           (4) (~~After a change to precinct boundaries is adopted by the~~  
2 ~~county legislative authority, if the change does not follow visible~~  
3 ~~physical features, the county auditor shall send to the secretary of~~  
4 ~~state an electronic or paper copy of the description, a map or maps~~  
5 ~~of the changes, and a statement of the applicable exception under~~  
6 ~~subsection (3) of this section. For boundary changes made pursuant to~~  
7 ~~subsection (3)(b) of this section, the auditor shall include a~~  
8 ~~statement of the reasons why following visible, physical features~~  
9 ~~would have substantially impaired election administration.~~

10           ~~(5))~~ Every voting precinct within each county shall be  
11 designated by number for the purpose of preparation of maps and the  
12 tabulation of population for apportionment purposes. These precincts  
13 may be identified with names or other numbers for other election  
14 purposes.

15           ~~((6) After a change to precinct boundaries in a city or town,~~  
16 ~~the county auditor shall send one copy of the map or maps delineating~~  
17 ~~the new precinct boundaries within that city or town to the city or~~  
18 ~~town clerk.~~

19           ~~(7))~~ (5) Precinct maps are public records and shall be available  
20 for inspection by the public during normal office hours in the  
21 offices where they are kept. Copies shall be made available to the  
22 public for a fee necessary to cover the cost of reproduction.

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