

SSB 5266 - H COMM AMD

By Committee on State Government & Tribal Relations

ADOPTED 04/12/2019

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 29A.92.050 and 2018 c 113 s 202 are each amended to  
4 read as follows:

5 (1)(a) Prior to the adoption of its proposed plan, the political  
6 subdivision must provide public notice to residents of the  
7 subdivision about the proposed remedy to a potential violation of RCW  
8 29A.92.020. If a significant segment of the residents of the  
9 subdivision have limited English proficiency and speaks a language  
10 other than English, the political subdivision must:

11 (i) Provide accurate written and verbal notice of the proposed  
12 remedy in languages that diverse residents of the political  
13 subdivision can understand, as indicated by demographic data; and

14 (ii) Air radio or television public service announcements  
15 describing the proposed remedy broadcast in the languages that  
16 diverse residents of the political subdivision can understand, as  
17 indicated by demographic data.

18 (b) The political subdivision shall hold at least one public  
19 hearing on the proposed plan at least one week before adoption.

20 (c) For purposes of this section, "significant segment of the  
21 community" means five percent or more of residents, or five hundred  
22 or more residents, whichever is fewer, residing in the political  
23 subdivision.

24 (2)(a) If the political subdivision invokes its authority under  
25 RCW 29A.92.040 and the plan is adopted during the period of time  
26 between the first Tuesday after the first Monday of November and on  
27 or before January 15th of the following year, the political  
28 subdivision shall order new elections to occur at the next succeeding  
29 general election.

30 (b) If the political subdivision invokes its authority under RCW  
31 29A.92.040 and the plan is adopted during the period of time between  
32 January 16th and on or before the first Monday of November, the next

1 election will occur as scheduled and organized under the current  
2 electoral system, but the political subdivision shall order new  
3 elections to occur pursuant to the remedy at the general election the  
4 following calendar year.

5 (3) If a political subdivision implements a district-based  
6 election system under RCW 29A.92.040(2), the plan shall be consistent  
7 with the following criteria:

8 (a) Each district shall be as reasonably equal in population as  
9 possible to each and every other such district comprising the  
10 political subdivision.

11 (b) Each district shall be reasonably compact.

12 (c) Each district shall consist of geographically contiguous  
13 area.

14 (d) To the extent feasible, the district boundaries shall  
15 coincide with existing recognized natural boundaries and shall, to  
16 the extent possible, preserve existing communities of related and  
17 mutual interest.

18 (e) District boundaries may not be drawn or maintained in a  
19 manner that creates or perpetuates the dilution of the votes of the  
20 members of a protected class or classes.

21 (f) All positions on the governing body must stand for election  
22 at the next election for the governing body, scheduled pursuant to  
23 subsection (2) of this section. The governing body may subsequently  
24 choose to stagger the terms of its positions.

25 (4) Within forty-five days after receipt of federal decennial  
26 census information applicable to a specific local area, the  
27 commission established in RCW 44.05.030 shall forward the census  
28 information to each political subdivision.

29 (5) No later than eight months after its receipt of federal  
30 decennial census data, the governing body of the political  
31 subdivision that had previously invoked its authority under RCW  
32 29A.92.040 to implement a district-based election system, or that was  
33 previously charged with redistricting under RCW 29A.92.110, shall  
34 prepare a plan for redistricting its districts, pursuant to RCW  
35 29A.76.010, and in a manner consistent with this chapter (~~(113, Laws~~  
36 ~~of 2018))~~).

37 **Sec. 2.** RCW 29A.92.110 and 2018 c 113 s 403 are each amended to  
38 read as follows:

1 (1) The court may order appropriate remedies including, but not  
2 limited to, the imposition of a district-based election system. The  
3 court may order the affected jurisdiction to draw or redraw district  
4 boundaries or appoint an individual or panel to draw or redraw  
5 district lines. The proposed districts must be approved by the court  
6 prior to their implementation.

7 (2) Implementation of a district-based remedy is not precluded by  
8 the fact that members of a protected class do not constitute a  
9 numerical majority within a proposed district-based election  
10 district. If, in tailoring a remedy, the court orders the  
11 implementation of a district-based election district where the  
12 members of the protected class are not a numerical majority, the  
13 court shall do so in a manner that provides the protected class an  
14 equal opportunity to elect candidates of their choice. The court may  
15 also approve a district-based election system that provides the  
16 protected class the opportunity to join in a coalition of two or more  
17 protected classes to elect candidates of their choice if there is  
18 demonstrated political cohesion among the protected classes.

19 (3) In tailoring a remedy after a finding of a violation of RCW  
20 29A.92.020:

21 (a) If the court's order providing a remedy or approving proposed  
22 districts, whichever is later, is issued during the period of time  
23 between the first Tuesday after the first Monday of November and on  
24 or before January 15th of the following year, the court shall order  
25 new elections, conducted pursuant to the remedy, to occur at the next  
26 succeeding general election. If a special filing period is required,  
27 filings for that office shall be reopened for a period of three  
28 business days, such three-day period to be fixed by the filing  
29 officer.

30 (b) If the court's order providing a remedy or approving proposed  
31 districts, whichever is later, is issued during the period of time  
32 between January 16th and on or before the first Monday of November,  
33 the next election will occur as scheduled and organized under the  
34 current electoral system, but the court shall order new elections to  
35 occur pursuant to the remedy at the general election the following  
36 calendar year.

37 (c) The remedy may provide for the political subdivision to hold  
38 elections for the members of its governing body at the same time as  
39 regularly scheduled elections for statewide or federal offices. All  
40 positions on the governing body must stand for election at the next

1 election for the governing body, scheduled pursuant to this  
2 subsection (3). The governing body may subsequently choose to stagger  
3 the terms of its positions.

4 (4) Within thirty days of the conclusion of any action filed  
5 under RCW 29A.92.100, the political subdivision must publish on the  
6 subdivision's web site, the outcome and summary of the action, as  
7 well as the legal costs incurred by the subdivision. If the political  
8 subdivision does not have its own web site, then it may publish on  
9 the county web site.

10 **Sec. 3.** RCW 28A.343.670 and 2015 c 53 s 15 are each amended to  
11 read as follows:

12 The school boards of any school district of the first class  
13 having within its boundaries a city with a population of four hundred  
14 thousand people or more shall establish the director district  
15 boundaries. Appointment of a board member to fill any vacancy  
16 existing for a new director district prior to the next regular school  
17 election shall be by the school board. Prior to the next regular  
18 election in the school district and the filing of declarations of  
19 candidacy therefor, the incumbent school board shall designate said  
20 director districts by number. Directors appointed to fill vacancies  
21 as above provided shall be subject to election, one for a six-year  
22 term, and one for a two-year term and thereafter the term of their  
23 respective successors shall be for four years. The term of office of  
24 incumbent members of the board of such district shall not be affected  
25 by RCW 28A.343.300, 28A.343.600, 28A.343.610, 28A.343.660, and  
26 (~~28A.343.670~~) this section. If the district is changing its  
27 director district boundaries under RCW 29A.92.040 or 29A.92.110, all  
28 director positions are subject to election at the next regular  
29 election.

30 **Sec. 4.** RCW 35.22.370 and 1965 c 7 s 35.22.370 are each amended  
31 to read as follows:

32 Notwithstanding that the charter of a city of the first class may  
33 forbid the city council from redividing the city into wards except at  
34 stated periods, if the city has failed to redivide the city into  
35 wards during any such period, the city council by ordinance may do so  
36 at any time thereafter: PROVIDED, That there shall not be more than  
37 one redivision into wards during any one period specified in the  
38 charter unless pursuant to RCW 29A.92.040 or 29A.92.110.

1       **Sec. 5.** RCW 35.23.051 and 2015 c 53 s 39 are each amended to  
2 read as follows:

3       General municipal elections in second-class cities shall be held  
4 biennially in the odd-numbered years and shall be subject to general  
5 election law.

6       The terms of office of the mayor, city attorney, clerk, and  
7 treasurer shall be four years and until their successors are elected  
8 and qualified and assume office in accordance with RCW 29A.60.280:  
9 PROVIDED, That if the offices of city attorney, clerk, and treasurer  
10 are made appointive, the city attorney, clerk, and treasurer shall  
11 not be appointed for a definite term: PROVIDED FURTHER, That the term  
12 of the elected treasurer shall not commence in the same biennium in  
13 which the term of the mayor commences, nor in which the terms of the  
14 city attorney and clerk commence if they are elected.

15       Council positions shall be numbered in each second-class city so  
16 that council position seven has a two-year term of office and council  
17 positions one through six shall each have four-year terms of office.  
18 Each councilmember shall remain in office until a successor is  
19 elected and qualified and assumes office in accordance with RCW  
20 29A.60.280.

21       In its discretion the council of a second-class city may divide  
22 the city by ordinance, into a convenient number of wards, not  
23 exceeding six, fix the boundaries of the wards, and change the ward  
24 boundaries from time to time and as provided in RCW 29A.76.010. No  
25 change in the boundaries of any ward shall be made within one hundred  
26 twenty days next before the date of a general municipal election, nor  
27 within twenty months after the wards have been established or altered  
28 unless pursuant to RCW 29A.92.040 or 29A.92.110. However, if a  
29 boundary change results in one ward being represented by more  
30 councilmembers than the number to which it is entitled, those having  
31 the shortest unexpired terms shall be assigned by the council to  
32 wards where there is a vacancy, and the councilmembers so assigned  
33 shall be deemed to be residents of the wards to which they are  
34 assigned for purposes of determining whether those positions are  
35 vacant.

36       Whenever such city is so divided into wards, the city council  
37 shall designate by ordinance the number of councilmembers to be  
38 elected from each ward, apportioning the same in proportion to the  
39 population of the wards. Thereafter the councilmembers so designated  
40 shall be elected by the voters resident in such ward, or by general

1 vote of the whole city as may be designated in such ordinance.  
2 Council position seven shall not be associated with a ward and the  
3 person elected to that position may reside anywhere in the city and  
4 voters throughout the city may vote at a primary to nominate  
5 candidates for position seven, when a primary is necessary, and at a  
6 general election to elect the person to council position seven.  
7 Additional territory that is added to the city shall, by act of the  
8 council, be annexed to contiguous wards without affecting the right  
9 to redistrict at the expiration of twenty months after last previous  
10 division. The removal of a councilmember from the ward for which he  
11 or she was elected shall create a vacancy in such office.

12 Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards  
13 shall be used as follows: (1) Only a resident of the ward may be a  
14 candidate for, or hold office as, a councilmember of the ward; and  
15 (2) only voters of the ward may vote at a primary to nominate  
16 candidates for a councilmember of the ward. Voters of the entire city  
17 may vote at the general election to elect a councilmember of a ward,  
18 unless the city had prior to January 1, 1994, limited the voting in  
19 the general election for any or all council positions to only voters  
20 residing within the ward associated with the council positions. If a  
21 city had so limited the voting in the general election to only voters  
22 residing within the ward, then the city shall be authorized to  
23 continue to do so. The elections for the remaining council position  
24 or council positions that are not associated with a ward shall be  
25 conducted as if the wards did not exist.

26 **Sec. 6.** RCW 35.23.850 and 2015 c 53 s 41 are each amended to  
27 read as follows:

28 In any city initially classified as a second-class city prior to  
29 January 1, 1993, that retained its second-class city plan of  
30 government when the city reorganized as a noncharter code city, the  
31 city council may divide the city into wards, not exceeding six in  
32 all, or change the boundaries of existing wards at any time less than  
33 one hundred twenty days before a municipal general election. Unless  
34 the city is dividing into wards or changing the boundaries of  
35 existing wards under RCW 29A.92.040 or 29A.92.110, no change in the  
36 boundaries of wards shall affect the term of any councilmember, and  
37 councilmembers shall serve out their terms in the wards of their  
38 residences at the time of their elections. However, if these boundary  
39 changes result in one ward being represented by more councilmembers

1 than the number to which it is entitled, those having the shortest  
2 unexpired terms shall be assigned by the council to wards where there  
3 is a vacancy, and the councilmembers so assigned shall be deemed to  
4 be residents of the wards to which they are assigned for purposes of  
5 determining whether those positions are vacant.

6 If the city is dividing into wards or changing the boundaries of  
7 existing wards under RCW 29A.92.040 or 29A.92.110, all council  
8 positions are subject to election at the next regular election.

9 The representation of each ward in the city council shall be in  
10 proportion to the population as nearly as is practicable.

11 Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards  
12 shall be used as follows: (1) Only a resident of the ward may be a  
13 candidate for, or hold office as, a councilmember of the ward; and  
14 (2) only voters of the ward may vote at a primary to nominate  
15 candidates for a councilmember of the ward. Voters of the entire city  
16 may vote at the general election to elect a councilmember of a ward,  
17 unless the city had prior to January 1, 1994, limited the voting in  
18 the general election for any or all council positions to only voters  
19 residing within the ward associated with the council positions. If a  
20 city had so limited the voting in the general election to only voters  
21 residing within the ward, then the city shall be authorized to  
22 continue to do so. The elections for the remaining council position  
23 or council positions that are not associated with a ward shall be  
24 conducted as if the wards did not exist.

25 **Sec. 7.** RCW 35A.12.180 and 2015 c 53 s 53 are each amended to  
26 read as follows:

27 At any time not within three months previous to a municipal  
28 general election the council of a noncharter code city organized  
29 under this chapter may divide the city into wards or change the  
30 boundaries of existing wards. Unless the city is dividing into wards  
31 or changing the boundaries of existing wards under RCW 29A.92.040 or  
32 29A.92.110, no change in the boundaries of wards shall affect the  
33 term of any councilmember, and councilmembers shall serve out their  
34 terms in the wards of their residences at the time of their  
35 elections: PROVIDED, That if this results in one ward being  
36 represented by more councilmembers than the number to which it is  
37 entitled those having the shortest unexpired terms shall be assigned  
38 by the council to wards where there is a vacancy, and the  
39 councilmembers so assigned shall be deemed to be residents of the

1 wards to which they are assigned for purposes of those positions  
2 being vacant. The representation of each ward in the city council  
3 shall be in proportion to the population as nearly as is practicable.

4 If the city is dividing into wards or changing the boundaries of  
5 existing wards under RCW 29A.92.040 or 29A.92.110, all council  
6 positions are subject to election at the next regular election.

7 Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards  
8 shall be used as follows: (1) Only a resident of the ward may be a  
9 candidate for, or hold office as, a councilmember of the ward; and  
10 (2) only voters of the ward may vote at a primary to nominate  
11 candidates for a councilmember of the ward. Voters of the entire city  
12 may vote at the general election to elect a councilmember of a ward,  
13 unless the city had prior to January 1, 1994, limited the voting in  
14 the general election for any or all council positions to only voters  
15 residing within the ward associated with the council positions. If a  
16 city had so limited the voting in the general election to only voters  
17 residing within the ward, then the city shall be authorized to  
18 continue to do so.

19 **Sec. 8.** RCW 52.14.013 and 2012 c 174 s 3 are each amended to  
20 read as follows:

21 The board of fire commissioners of a fire protection district may  
22 adopt a resolution by unanimous vote causing a ballot proposition to  
23 be submitted to voters of the district authorizing the creation of  
24 commissioner districts. The board of fire commissioners shall create  
25 commissioner districts if the ballot proposition authorizing the  
26 creation of commissioner districts is approved by a simple majority  
27 vote of the voters of the fire protection district voting on the  
28 proposition. Three commissioner districts shall be created for a fire  
29 protection district with three commissioners, five commissioner  
30 districts shall be created for a fire protection district with five  
31 commissioners, and seven commissioner districts shall be created for  
32 a fire protection district with seven commissioners. No two  
33 commissioners may reside in the same commissioner district.

34 No change in the boundaries of any commissioner district shall be  
35 made within one hundred twenty days next before the date of a general  
36 district election, nor within twenty months after the commissioner  
37 districts have been established or altered unless pursuant to RCW  
38 29A.92.040 or 29A.92.110. However, if a boundary change results in  
39 one commissioner district being represented by two or more



1 commissioners, those commissioners having the shortest unexpired  
2 terms shall be assigned by the commission to commissioner districts  
3 where there is a vacancy, and the commissioners so assigned shall be  
4 deemed to be residents of the commissioner districts to which they  
5 are assigned for purposes of determining whether those positions are  
6 vacant.

7 The population of each commissioner district shall include  
8 approximately equal population. Commissioner districts shall be  
9 redrawn as provided in chapter 29A.76 RCW. Commissioner districts  
10 shall be used as follows: (1) Only a registered voter who resides in  
11 a commissioner district may be a candidate for, or serve as, a  
12 commissioner of the commissioner district; and (2) only voters of a  
13 commissioner district may vote at a primary to nominate candidates  
14 for a commissioner of the commissioner district. Voters of the entire  
15 fire protection district may vote at a general election to elect a  
16 person as a commissioner of the commissioner district.

17 When a board of fire commissioners that has commissioner  
18 districts has been increased to five or seven members under RCW  
19 52.14.015, the board of fire commissioners shall divide the fire  
20 protection district into five or seven commissioner districts before  
21 it appoints the two or four additional fire commissioners. The two or  
22 four additional fire commissioners who are appointed shall reside in  
23 separate commissioner districts in which no other fire commissioner  
24 resides.

25 **Sec. 9.** RCW 53.16.015 and 2015 c 53 s 82 are each amended to  
26 read as follows:

27 The port commission of a port district that uses commissioner  
28 districts may redraw the commissioner district boundaries as provided  
29 in chapter 29A.76 RCW or RCW 29A.92.040 or 29A.92.110 at any time and  
30 submit the redrawn boundaries to the county auditor if the port  
31 district is not coterminous with a county that has the same number of  
32 county legislative authority districts as the port has port  
33 commissioners. The new commissioner districts shall be used at the  
34 next election at which a port commissioner is regularly elected that  
35 occurs at least one hundred eighty days after the redrawn boundaries  
36 have been submitted. Each commissioner district shall encompass as  
37 nearly as possible the same population.

1       **Sec. 10.** RCW 53.16.030 and 1992 c 146 s 11 are each amended to  
2 read as follows:

3       Any change of boundary lines provided for in this chapter shall  
4 not affect the term for which a commissioner shall hold office at the  
5 time the change is made. If the port district commission is redrawing  
6 the commissioner district boundaries pursuant to RCW 29A.92.040 or  
7 29A.92.110, each commissioner position is subject to election at the  
8 next general election.

9       NEW SECTION. **Sec. 11.** This act applies retroactively to January  
10 16, 2019.

11       NEW SECTION. **Sec. 12.** If any provision of this act or its  
12 application to any person or circumstance is held invalid, the  
13 remainder of the act or the application of the provision to other  
14 persons or circumstances is not affected.

15       NEW SECTION. **Sec. 13.** This act is necessary for the immediate  
16 preservation of the public peace, health, or safety, or support of  
17 the state government and its existing public institutions, and takes  
18 effect immediately."

19       Correct the title.

EFFECT: Relocates amending language in the bill (regarding the requirement that each commissioner position be subject to election at the next general election if the port commission redraws district boundaries under the state Voting Rights Act) to a different statute that addresses commissioner terms. Adds an emergency clause making the bill take effect immediately.

--- END ---