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**State Government & Tribal Relations  
Committee**

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**SSB 5266**

**Brief Description:** Concerning timely elections for governing body members in jurisdictions modifying districting plans under the Washington voting rights act.

**Sponsors:** Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Saldaña, Hunt, Hasegawa, McCoy, Keiser and Das).

**Brief Summary of Substitute Bill**

- Requires the governing body positions of certain political subdivisions to be subject to election at the next general election if the political subdivision makes certain modifications adopted under the Washington Voting Rights Act (WVRA), to its electoral system.
- Applies the act retroactively to January 16, 2019.
- Makes changes to various statutes to align the provisions with the WVRA.

**Hearing Date:** 3/11/19

**Staff:** Desiree Omli (786-7105).

**Background:**

Washington Voting Rights Act.

The Washington Voting Rights Act (WVRA) was established in 2018. The WVRA applies to elections held within counties, cities, towns, school districts, fire protection districts, port districts, or public utility districts (political subdivisions). Under the WVRA, the method of electing the governing body of a political subdivision may not be imposed in a manner that impairs the ability of members of a protected class or classes to have an equal opportunity to elect candidates of their choice as a result of the dilution or abridgment of the rights of voters who are members of a protected class or classes. A protected class includes voters who are members of a race, color, or language minority group.

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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.*

A political subdivision is in violation of the WVRA when:

1. Elections in the political subdivision exhibit polarized voting, meaning a difference in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by the voters in the rest of the electorate; and
2. Members of a protected class or classes do not have an equity opportunity to elect candidates of their choice as a result of the dilution or abridgment of the rights of members of that protected class or classes.

#### Washington Voting Rights Act—Change in Election System.

Any political subdivision may voluntarily change its electoral system to remedy a potential violation of the WVRA, including implementation of a district-based election system where candidates for a governing body must reside within an election district that is a divisible part of the political subdivision and are elected only by voters residing within the election district.

In addition, a voter who resides in the political subdivision may notify the political subdivision of the voter's intent to challenge the political subdivision's electoral system. The political subdivision must work in good faith with the voter bringing the notice to implement a remedy, and the remedy must be acknowledged by court order. If, within 180 days, or, after July 1, 2021, 90 days, of receiving a notice of a challenge to its electoral system, the political subdivision has not obtained an order stating it has adopted a remedy in compliance with the WVRA, any voter who resides in the political subdivision may file an action. The court may order appropriate remedies, including the imposition of a district-based election system.

If a political subdivision adopts a new election plan or the court issues a remedy between the date of the general election and January 15 of the following year, the new election plan must be used in the next general election. If the political subdivision adopts the new election plan or the court issues a remedy between January 16 and the date of the next general election, the new election plan must be used in the general election the following year.

The WVRA supersedes other state laws and local ordinances to the extent that those state laws or ordinances would otherwise restrict a jurisdiction's ability to comply with the WVRA.

#### **Summary of Bill:**

All positions on the governing body of a political subdivision are subject to election at the subsequent general election if, pursuant to the WVRA:

1. A political subdivision voluntarily implements a district-based election system;
2. A political subdivision makes changes to its electoral system as a result of a court order issued pursuant to the WVRA; or
3. A qualified school district, second-class city, noncharter code city, or port district voluntarily adopts changes to its district or ward boundaries.

For political subdivisions that voluntarily implement a district-based election system or make changes to its electoral system as a result of a court order, the governing body may subsequently stagger the terms of governing body positions.

The act makes changes to various statutes to align the provisions with the provisions of the WVRA.

The act applies retroactively to January 16, 2019.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.