

SENATE BILL REPORT

2SSB 5287

As Amended by House, April 16, 2019

Title: An act relating to ensuring accurate redistricting by counting individuals in state custody as residents of their last known place of residence.

Brief Description: Ensuring accurate redistricting.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Darneille and Hunt).

Brief History:

Committee Activity: State Government, Tribal Relations & Elections: 2/20/19, 2/21/19 [DPS-WM, DNP, w/oRec].

Ways & Means: 3/01/19 [DP2S, DNP].

Floor Activity:

Passed Senate: 3/11/19, 27-21.

Passed House: 4/16/19, 57-39.

Brief Summary of Second Substitute Bill

- Directs the Redistricting Commission to deem each inmate in an adult correctional facility and resident of a juvenile justice facility or involuntary commitment facility to be a resident of their last known place of residence, and adjust precinct, ward, and district data accordingly.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5287 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Takko.

Minority Report: Do not pass.

Signed by Senators Bailey and Hawkins.

Minority Report: That it be referred without recommendation.

Signed by Senator Zeiger, Ranking Member.

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.

Staff: Samuel Brown (786-7470)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5287 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig, Carlyle, Conway, Darneille, Hasegawa, Hunt, Keiser, Liias, Palumbo, Pedersen and Van De Wege.

Minority Report: Do not pass.

Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member, Capital; Becker, Rivers, Schoesler, Wagoner, Warnick and Wilson, L..

Staff: Julie Murray (786-7711)

Background: Redistricting Commission and Plan. The state Redistricting Commission (Commission), established by constitutional amendment, provides for redistricting state legislative and congressional districts every ten years based on the federal decennial census. The Commission is composed of five members. The legislative leaders of each of the two largest political caucuses in each house of the Legislature appoint one person to the Commission, and the fifth person, the chair, is appointed by the four legislative appointees. The affirmative vote of three members is required to approve the redistricting plan.

Each congressional and legislative district must have a population, excluding nonresident military personnel, equal as practicable to the population of each other district. The Commission's plan may not be drawn purposely to favor or discriminate against any political party or group. To the extent reasonable, each district must:

- contain contiguous territory;
- be compact and convenient; and
- be separated from adjoining districts by natural geographic barriers, artificial barriers, or political boundaries.

Counting Persons in State Custody. Washington State law does not specify whether persons incarcerated in Department of Corrections (DOC) facilities or residing in facilities under the supervision of the Department of Social and Health Services (DSHS) or Department of Children Youth and Families (DCYF) are to be considered residents of those locations or their previous addresses when calculating population for redistricting. Four states, California, Delaware, Maryland, and New York, require incarcerated persons be considered residents of their last known addresses for redistricting purposes.

Summary of Second Substitute Bill: Department of Corrections, Department of Social and Health Services, and Department of Children, Youth and Families Responsibilities. Between April 1st and July 1st of each year ending in zero, the last known place of residence, with sufficient specificity to determine the congressional and legislative districts of that residence, must be provided to the Commission by:

- DOC, for all inmates in state adult correctional facilities;
- DSHS, for all adults committed to involuntary behavioral health treatment; and

- DCYF, for all adults residing or placed in juvenile justice facilities.

DOC, DSHS, and DCYF are not required to provide a person's last known place of residence if it is out of state or cannot be determined. DOC, DSHS and DCYF must provide residence information for persons transferred to out-of-state facilities, if that information can be determined.

Commission Responsibilities. The Commission must deem each person as residing at the person's last known place of residence, rather than at the correctional, juvenile justice, or involuntary commitment facility.

The Commission may not publish information regarding a specific person's last known place of residence. Persons whose last known place of residence cannot be determined or is out of state are not to be deemed residents of an unknown location in the state and not assigned to any precinct. Race and ethnicity data for precincts, wards, and districts containing correctional, juvenile justice, or involuntary commitment facilities must be adjusted to reflect the use of last known places of residence of persons in state custody.

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.

Staff Summary of Public Testimony on First Substitute (State Government, Tribal Relations & Elections): PRO: Prisoners are counted as residents of the community where the prison is, even though they have no right to vote and change the demographics of that community. The status quo raises legitimate concerns about equity and fairness in the census. This is important to get right because the federal government awards money to states based on what is in the census, and use that information for redistricting. All people should be counted where their families and communities are.

Persons Testifying (State Government, Tribal Relations & Elections): PRO: Senator Jeannie Darneille, Prime Sponsor; Alison McCaffree, League of Women Voters of Washington.

Persons Signed In To Testify But Not Testifying (State Government, Tribal Relations & Elections): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: Four states have already implemented this policy. The idea was driven by a Census Bureau National Research Council report that said the current system raised concerns about equity and fairness. The census is more than counting people. It drives our state's redistricting process and federal dollars to the state. The equity addressed is persons who are not allowed to vote in these facilities are best represented in the home district than where the facility is located.

Persons Testifying (Ways & Means): PRO: Senator Jeannie Darneille, Prime Sponsor.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.

EFFECT OF HOUSE AMENDMENT(S): Agency Responsibilities. DSHS must provide last known place of residence information for all minors committed to involuntary behavioral health treatment. DCYF must provide last known place of residence information for all minors residing or placed in juvenile justice facilities. DOC, DSHS, and DCYF must provide last known place of residence information if it is out of state or cannot be determined.

Commission Responsibilities. The Commission must use the location of the facility where a person is incarcerated, committed, or resides if the person's last known address is out of state or cannot be determined. The Commission must draw district lines based on adjustments to census data based on prior residence data for persons in state custody.