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HOUSE BILL 1396

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State of Washington

66th Legislature

2019 Regular Session

By Representative Hudgins

1 AN ACT Relating to redistricting regulations; and amending RCW  
2 44.05.020, 44.05.090, and 44.05.060.

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

4 **Sec. 1.** RCW 44.05.020 and 2011 c 60 s 41 are each amended to  
5 read as follows:

6 The definitions set forth in this section apply throughout this  
7 chapter, unless the context requires otherwise.

8 (1) "Chief election officer" means the secretary of state.

9 (2) "Efficiency gap" is the difference between the statewide sum  
10 of one party's wasted votes and the statewide sum of the other  
11 party's wasted votes divided by the statewide sum of all votes cast,  
12 multiplied by one hundred to calculate the percentage. The number of  
13 votes cast must be from the certified results of the most recent  
14 general election for legislative and congressional races.

15 (3) "Federal census" means the decennial census required by  
16 federal law to be prepared by the United States bureau of the census  
17 in each year ending in zero.

18 ((+3)) (4) "Lobbyist" means an individual required to register  
19 with the Washington public disclosure commission pursuant to RCW  
20 42.17A.600.

1        ~~((4))~~ (5) "Plan" means a plan for legislative and congressional  
2        redistricting mandated by Article II, section 43 of the state  
3        Constitution.

4        (6) "Wasted votes" means, in legislative and congressional races,  
5        all votes cast for a losing candidate and all votes cast for a  
6        winning candidate beyond the fifty percent plus one that ensures  
7        victory. The number of votes cast used in the calculation must be  
8        from the certified results of the most recent general election.

9        **Sec. 2.** RCW 44.05.090 and 1990 c 126 s 1 are each amended to  
10       read as follows:

11       In the redistricting plan:

12       (1) Districts shall have a population as nearly equal as is  
13       practicable, excluding nonresident military personnel, based on the  
14       population reported in the federal decennial census.

15       (2) To the extent consistent with subsection (1) of this section  
16       the commission plan should, insofar as practical, accomplish the  
17       following:

18       (a) District lines should be drawn so as to coincide with the  
19       boundaries of local political subdivisions and areas recognized as  
20       communities of interest. The number of counties and municipalities  
21       divided among more than one district should be as small as possible;

22       (b) Districts should be composed of convenient, contiguous, and  
23       compact territory. Land areas may be deemed contiguous if they share  
24       a common land border or are connected by a ferry, highway, bridge, or  
25       tunnel. Areas separated by geographical boundaries or artificial  
26       barriers that prevent transportation within a district should not be  
27       deemed contiguous; ~~(and)~~

28       (c) Whenever practicable, a precinct shall be wholly within a  
29       single legislative district; and

30       (d) Districts must not purposefully favor or discriminate against  
31       any political party. A legislative or congressional plan is presumed  
32       to purposefully favor or discriminate against any political party  
33       when the efficiency gap is greater than seven percent. For plans that  
34       are presumed to purposefully favor or discriminate against any  
35       political party, the commission must include in its published report  
36       pursuant to RCW 44.05.080 its reasoning for why the plan does not  
37       purposefully favor or discriminate against any political party.

1 (3) The commission's plan and any plan adopted by the supreme  
2 court under RCW 44.05.100(4) shall provide for forty-nine legislative  
3 districts.

4 (4) The house of representatives shall consist of ninety-eight  
5 members, two of whom shall be elected from and run at large within  
6 each legislative district. The senate shall consist of forty-nine  
7 members, one of whom shall be elected from each legislative district.

8 (5) The commission shall exercise its powers to provide fair and  
9 effective representation and to encourage electoral competition. The  
10 commission's plan shall not be drawn purposely to favor or  
11 discriminate against any political party or group.

12 **Sec. 3.** RCW 44.05.060 and 1984 c 13 s 3 are each amended to read  
13 as follows:

14 (1) No member of the commission may:

15 ~~((1))~~ (a) Campaign for elective office while a member of the  
16 commission;

17 ~~((2))~~ (b) Actively participate, while a member of the  
18 commission, in or contribute to any political campaign of any  
19 candidate for state or federal elective office ~~((while a member of~~  
20 ~~the commission))~~ except if the activity:

21 (i) Is outside of the state of Washington and not otherwise  
22 within the jurisdiction of the commission;

23 (ii) Does not create the appearance of a conflict of interest  
24 with the duties of the commission; and

25 (iii) Does not involve any affiliation with the commission; or

26 ~~((3))~~ (c) Hold or campaign for a seat in the state house of  
27 representatives, the state senate, or congress for two years after  
28 the effective date of the plan.

29 (2) Subsection (1)(b) of this section is not intended to prohibit  
30 a member of the commission from participating in or supporting  
31 nonprofit or other organizations, in the commissioner's private  
32 capacity, to the extent such participation is not prohibited under  
33 subsection (1)(a) or (c) of this section.

34 (3) The provisions of subsections (1)(b) and (2) of this section  
35 do not relieve a member of the commission of any applicable  
36 disqualification and recusal requirements.

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