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ENGROSSED SUBSTITUTE HOUSE BILL 2575

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State of Washington

66th Legislature

2020 Regular Session

**By** House State Government & Tribal Relations (originally sponsored by Representatives Pellicciotti, Ryu, Tarleton, Orwall, Dolan, J. Johnson, and Pollet)

READ FIRST TIME 01/30/20.

1 AN ACT Relating to reforms to increase transparency and  
2 accountability of the Washington redistricting commission; amending  
3 RCW 44.05.020, 44.05.030, 44.05.070, 44.05.080, 44.05.100, 44.05.110,  
4 and 42.30.040; adding a new section to chapter 44.05 RCW; and  
5 creating a new section.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that Washington has  
8 been on the cutting edge of promoting fair and effective  
9 representation by initiating reforms to the redistricting process for  
10 state legislative and congressional districts. Washington's  
11 bipartisan redistricting commission has served as a model for other  
12 states. Though the commission has been modified since it was first  
13 created, the legislature finds that it is necessary to provide timely  
14 reforms to increase trust, transparency, representation, and  
15 effectiveness of the commission, so the commission can continue to  
16 meet its legislative and constitutional directives and further  
17 advance public confidence in its work.

18 **Sec. 2.** RCW 44.05.020 and 2011 c 60 s 41 are each amended to  
19 read as follows:

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

3 (~~1~~) (~~("Chief election officer" means the secretary of state.~~  
4 ~~(2)~~) "Federal census" means the decennial census required by  
5 federal law to be prepared by the United States bureau of the census  
6 in each year ending in zero.

7 (~~(3)~~) (2) "Lobbyist" means an individual required to register  
8 with the Washington public disclosure commission pursuant to RCW  
9 42.17A.600.

10 (~~(4)~~) (3) "Plan" means a plan for legislative and congressional  
11 redistricting mandated by Article II, section 43 of the state  
12 Constitution.

13 (4) "Public forum" means a commission meeting for which the  
14 primary purpose is to receive testimony and comments from the public.

15 (5) "Redistricting metrics" means measurements and analyses that  
16 are used to evaluate all relevant criteria and show expected impact  
17 of the plan, including the impact of the plan on the ability of  
18 racial or language groups to elect candidates of their choice, the  
19 extent which the plan promotes electoral competitiveness as measured  
20 by multiple accepted methodologies, and the degree to which the plan  
21 preserves or divides communities of interest.

22 **Sec. 3.** RCW 44.05.030 and 1984 c 13 s 1 are each amended to read  
23 as follows:

24 A redistricting commission shall be established in January of  
25 each year ending in one to accomplish state legislative and  
26 congressional redistricting. The five-member commission shall be  
27 appointed as follows:

28 (1) Each legislative leader of the two largest political parties  
29 in each house of the legislature shall (~~appoint~~) designate one  
30 voting member to be appointed to the commission by (~~January 15th~~)  
31 December 1st of each year ending in (~~one~~) zero. The commission is  
32 established on January 1st of each year ending in one, on which date  
33 the commissioners' appointments become official and their terms  
34 begin. Prior to that date, designees may attend training, hire staff,  
35 secure and set up offices, create the commission web site, and select  
36 the commission's chairperson as provided in subsection (3) of this  
37 section.

38 (2) The four legislators appointing commission members pursuant  
39 to this section shall certify their appointments to the (~~chief~~

1 ~~election officer~~) secretary of state. If an appointing legislator  
2 does not certify an appointment by January ~~((15th))~~ 1st of each year  
3 ending in one, within five days the supreme court shall certify an  
4 appointment to the ~~((chief election officer))~~ secretary of state.

5 (3) No later than January ~~((31st))~~ 15th of ~~((the))~~ each year ~~((of~~  
6 ~~their selection))~~ ending in one, the four appointed members, by an  
7 affirmative vote of at least three, shall appoint and certify to the  
8 ~~((chief election officer))~~ secretary of state the nonvoting fifth  
9 member who shall act as the commission's chairperson. If by January  
10 ~~((31st))~~ 15th of ~~((the))~~ each year ~~((of their selection))~~ ending in  
11 one, three of the four voting members fail to elect a chairperson,  
12 the supreme court shall within five days certify an appointment to  
13 the ~~((chief election officer))~~ secretary of state. A vacancy on the  
14 commission shall be filled by the person who made the initial  
15 appointment, or their successor, within fifteen days after the  
16 vacancy occurs.

17 **Sec. 4.** RCW 44.05.070 and 1983 c 16 s 7 are each amended to read  
18 as follows:

19 (1) The commission may employ the services of experts,  
20 consultants, and support staff, including attorneys not employed by  
21 the attorney general, as necessary to carry out its duties pursuant  
22 to this chapter.

23 (2) The ~~((chief election officer))~~ secretary of state, the  
24 treasurer, and the attorney general shall make available to the  
25 commission such personnel, facilities, and other assistance as the  
26 commission may reasonably request. The ~~((chief election officer))~~  
27 secretary of state shall be the official recipient of all provisional  
28 and preliminary census data and maps, and shall forward all such data  
29 and maps, upon request, to the commission.

30 (3) The commission, upon written request by a witness and subject  
31 to rules promulgated by the commission, may reimburse witnesses for  
32 their necessary expenses incurred in appearing before the commission.

33 (4) The legislature shall appropriate funds to enable the  
34 commission to carry out its duties. Members shall each receive ~~((one~~  
35 ~~hundred dollars of compensation for each day spent in the performance~~  
36 ~~of their duties))~~ a salary equivalent to the current annual salary  
37 for legislators provided by RCW 43.03.013 beginning on the date of  
38 official appointment to the commission and ending November 15th of  
39 each year ending in one. These positions are exempt from chapters

1 41.06 and 41.56 RCW, and are eligible for medical benefits as  
2 determined by the public employees' benefits board. Compensation of  
3 employees shall be determined by the commission. The provisions of  
4 RCW 43.03.050 and 43.03.060 shall apply to both the members and the  
5 employees of the commission.

6 (5) The commission shall employ staff to meet the needs of the  
7 commission, including positions for communications, information  
8 technology, and language access.

9 **Sec. 5.** RCW 44.05.080 and 2018 c 301 s 10 are each amended to  
10 read as follows:

11 In addition to other duties prescribed by law, the commission  
12 shall:

13 (1) Adopt rules pursuant to the Administrative Procedure Act,  
14 chapter 34.05 RCW, to carry out the provisions of Article II, section  
15 43 of the state Constitution and of this chapter, which rules shall  
16 provide that three voting members of the commission constitute a  
17 quorum to do business, and that the votes of three of the voting  
18 members are required for any official action of the commission;

19 (2) Act as the legislature's recipient of the final redistricting  
20 data and maps from the United States Bureau of the Census;

21 (3) Comply with requirements to disclose and preserve public  
22 records as specified in chapters 40.14 and 42.56 RCW;

23 (4) Hold open meetings pursuant to the open public meetings act,  
24 chapter 42.30 RCW, and also comply with the following provisions:

25 (a) The commission must hold at least ten public forums; at least  
26 one public forum must be held in each of the congressional districts  
27 in the state. The commission shall seek input from and conduct  
28 outreach to all significant communities of interest and may conduct  
29 additional outreach and hold additional public forums if it  
30 determines that the public input received does not represent the full  
31 diversity of demographic backgrounds of each district and its  
32 surrounding areas.

33 (b) The commission shall use technology that allows for real-time  
34 virtual participation and feedback for all meetings. All audio and  
35 visual recordings of commission meetings must be maintained on the  
36 commission web site for eleven years.

37 (c) Any person submitting oral or written testimony at a public  
38 meeting must identify whether he or she is a lobbyist.

1 (d) The commission shall provide public notice at least twenty  
2 days in advance of any public forum. The notice must be posted on the  
3 commission web site and published in local news sources and on social  
4 media. Notice must be provided in all languages required for voting  
5 materials under the federal voting rights act of 1965, 52 U.S.C. Sec.  
6 10503, in the congressional district in which the public forum is  
7 scheduled.

8 (e) The commission shall make reasonable efforts to schedule  
9 meetings in the evenings, on weekends, and at other times that most  
10 residents are able to attend.

11 (f) The commission shall make reasonable efforts to make  
12 available translation services and other accommodations for limited  
13 English-speaking individuals. The commission may contract with an  
14 entity that provides interpreter services through telephonic and  
15 video remote technologies pursuant to RCW 39.26.300;

16 (5) Prepare and disclose its minutes pursuant to RCW 42.30.035,  
17 and promptly post publicly all agendas and minutes on the commission  
18 web site;

19 (6) Be subject to the provisions of RCW 42.17A.700;

20 (7) Prepare and publish a report, before any public forum and no  
21 later than April 1st of each year ending in one, that describes the  
22 commission's general priorities and intentions for utilizing  
23 redistricting criteria in its decision-making process, including a  
24 discussion of how the commission will balance competing requirements;

25 (8) Solicit testimony or information about local demographics  
26 from election officials from each county and from municipalities  
27 within ninety days of the establishment of the commission. When  
28 providing testimony, election officials may comment on local  
29 population changes, communities of interest, and redistricting  
30 requirements;

31 (9) Release a preliminary plan at least ninety days before the  
32 release of a reasonably final plan, and release a reasonably final  
33 plan at least seven days before final approval, to allow for public  
34 review and comment. These public comments may be submitted in-person,  
35 online, or through mail;

36 (10) Prepare and publish a report with the plan; the report will  
37 be made available to the public at the time the plan is published.  
38 The report will include but will not be limited to: (a) The  
39 population and percentage deviation from the average district  
40 population for every district; (b) an explanation of the criteria

1 used in developing the plan with a justification of any deviation in  
2 a district from the average district population; (c) a map of all the  
3 districts; ~~((and))~~ (d) the estimated cost incurred by the counties  
4 for adjusting precinct boundaries; (e) a summary of all public input  
5 received in each comment period; (f) all plans discussed by the full  
6 commission; (g) a summary of the data the commission used to create  
7 those plans; (h) analyses of the maps using redistricting metrics;  
8 (i) a written explanation if an alternative plan furthers  
9 constitutional and statutory redistricting criteria more than the  
10 final plan selected by the commission; and (j) any other information  
11 that provides the basis on which the commission made decisions to  
12 achieve compliance with constitutional and statutory requirements;

13 ~~((8))~~ (11) Adopt a districting plan for a noncharter county  
14 with a population of four hundred thousand or more, pursuant to RCW  
15 36.32.054;

16 (12) Attend nonpartisan redistricting training held by a  
17 nationally recognized nonpartisan organization;

18 (13) Attend training on the public records act, chapter 42.56  
19 RCW, as required by RCW 42.56.150, and the open public meetings act,  
20 chapter 42.30 RCW, as required by RCW 42.30.205; and

21 (14) Provide notices of the availability of both plans and  
22 reports in all languages required for voting materials under the  
23 federal voting rights act of 1965, 52 U.S.C. Sec. 10503, for each  
24 congressional district.

25 **Sec. 6.** RCW 44.05.100 and 2019 c 192 s 1 are each amended to  
26 read as follows:

27 (1) Upon approval of a redistricting plan by three of the voting  
28 members of the commission, but not later than November 15th of the  
29 year ending in one, the commission shall submit the plan to the  
30 legislature. If any commissioners vote against the redistricting  
31 plan, those commissioners must file a dissenting report explaining  
32 their decision to vote against the plan.

33 (2) After submission of the plan by the commission, the  
34 legislature shall have the next thirty days during any regular or  
35 special session to amend the commission's plan. If the legislature  
36 amends the commission's plan the legislature's amendment must be  
37 approved by an affirmative vote in each house of two-thirds of the  
38 members elected or appointed thereto, and may not include more than

1 two percent of the population of any legislative or congressional  
2 district.

3 (3) The plan approved by the commission, with any amendment  
4 approved by the legislature, shall be final upon approval of such  
5 amendment or after expiration of the time provided for legislative  
6 amendment by subsection (2) of this section whichever occurs first,  
7 and shall constitute the districting law applicable to this state for  
8 legislative and congressional elections, beginning with the next  
9 elections held in the year ending in two. This plan shall be in force  
10 until the effective date of the plan based upon the next succeeding  
11 federal decennial census or until a modified plan takes effect as  
12 provided in RCW 44.05.120(6).

13 (4) If three of the voting members of the commission fail to  
14 approve and submit a plan within the time limitations provided in  
15 subsection (1) of this section, the supreme court shall adopt a plan  
16 by April 30th of the year ending in two. Any such plan approved by  
17 the court is final and constitutes the districting law applicable to  
18 this state for legislative and congressional elections, beginning  
19 with the next election held in the year ending in two. This plan  
20 shall be in force until the effective date of the plan based on the  
21 next succeeding federal decennial census or until a modified plan  
22 takes effect as provided in RCW 44.05.120(6).

23 **Sec. 7.** RCW 44.05.110 and 2011 c 60 s 43 are each amended to  
24 read as follows:

25 (1) Following the period provided by RCW 44.05.100(1) for the  
26 commission's adoption of a plan, the commission shall take all  
27 necessary steps to conclude its business and cease operations. The  
28 commission shall prepare a financial statement disclosing all  
29 expenditures made by the commission. The official record shall  
30 contain all relevant information developed by the commission pursuant  
31 to carrying out its duties under this chapter, maps, data collected,  
32 minutes of meetings, written communications, and other information of  
33 a similar nature. Once the commission ceases to exist, the (~~chief~~  
34 ~~election officer~~) secretary of state shall be the custodian of the  
35 official record for purposes of reprecincting and election  
36 administration. The (~~chief election officer~~) secretary of state  
37 shall provide for the permanent preservation of this official record  
38 pursuant to chapter 42.56 RCW and Title 40 RCW. Once the commission

1 ceases to exist any budget surplus shall revert to the state general  
2 fund.

3 (2) Except as provided in RCW 44.05.120 for a reconvened  
4 commission, the commission shall cease to exist on July 1st of each  
5 year ending in two unless the supreme court extends the commission's  
6 term.

7 NEW SECTION. **Sec. 8.** A new section is added to chapter 44.05  
8 RCW to read as follows:

9 The commission shall create and maintain a web site. The web site  
10 must include the following information as it becomes available:

- 11 (1) Background information about the commission and its duties;
- 12 (2) Information about meetings of the commission;
- 13 (3) A searchable archive of documents produced by the commission;
- 14 (4) All public draft redistricting plans drawn by the commission  
15 or submitted by the public and the report required by RCW 44.05.080;
- 16 (5) Data used by the commission in its decision making to create  
17 or evaluate plans in a format easily usable for analysis;
- 18 (6) A means for the public to submit at no cost comments and  
19 proposed plans to the commission;
- 20 (7) Transcripts and video archive of all meetings of the  
21 commission; and
- 22 (8) Any other relevant materials and documents that the  
23 commission determines would promote the transparency of its work.

24 **Sec. 9.** RCW 42.30.040 and 2012 c 117 s 124 are each amended to  
25 read as follows:

26 A member of the public shall not be required, as a condition to  
27 attendance at a meeting of a governing body, to register his or her  
28 name and other information, to complete a questionnaire, or otherwise  
29 to fulfill any condition precedent to his or her attendance. However,  
30 any person submitting oral or written testimony at public meetings of  
31 the redistricting commission shall identify whether he or she is a  
32 lobbyist, as defined in RCW 44.05.020.

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