

SSB 5013 - H COMM AMD

By Committee on State Government & Tribal Relations

ADOPTED 03/24/2021

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

3 "Sec. 1. RCW 29A.76.010 and 2018 c 301 s 8 are each amended to
4 read as follows:

5 (1) It is the responsibility of each county, municipal
6 corporation, and special purpose district with a governing body
7 comprised of internal director, council, or commissioner districts
8 not based on statutorily required land ownership criteria to
9 periodically redistrict its governmental unit, based on population
10 information from the most recent federal decennial census.

11 (2) Within forty-five days after receipt of federal decennial
12 census information applicable to a specific local area, the
13 commission established in RCW 44.05.030 shall forward the census
14 information to each municipal corporation, county, and district
15 charged with redistricting under this section.

16 (3) Except as otherwise provided in chapter 301, Laws of 2018,
17 (~~no later than eight months after its receipt of federal decennial~~
18 ~~census data,~~) the governing body of the municipal corporation,
19 county, or district shall prepare a plan for redistricting its
20 internal or director districts:

21 (a) By December 31, 2021, if the jurisdiction is scheduled to
22 elect members to its governing body in 2022; or

23 (b) By November 15, 2022, if the jurisdiction is not scheduled to
24 elect members to its governing body in 2022.

25 (4) The plan shall be consistent with the following criteria:

26 (a) Each internal director, council, or commissioner district
27 shall be as nearly equal in population as possible to each and every
28 other such district comprising the municipal corporation, county, or
29 special purpose district.

30 (b) Each district shall be as compact as possible.

1 (c) Each district shall consist of geographically contiguous
2 area.

3 (d) Population data may not be used for purposes of favoring or
4 disfavoring any racial group or political party.

5 (e) To the extent feasible and if not inconsistent with the basic
6 enabling legislation for the municipal corporation, county, or
7 district, the district boundaries shall coincide with existing
8 recognized natural boundaries and shall, to the extent possible,
9 preserve existing communities of related and mutual interest.

10 (5) During the adoption of its plan, the municipal corporation,
11 county, or district shall ensure that full and reasonable public
12 notice of its actions is provided. Before adopting the plan, the
13 municipal corporation, county, or district must:

14 (a) Publish the draft plan and hold a meeting, including notice
15 and comment, within ten days of publishing the draft plan and at
16 least one week before adopting the plan; and

17 (b) Amend the draft as necessary after receiving public comments
18 and resubmit any amended draft plan for additional written public
19 comment at least one week before adopting the plan.

20 (6)(a) Any registered voter residing in an area affected by the
21 redistricting plan may request review of the adopted local plan by
22 the superior court of the county in which he or she resides, within
23 fifteen days of the plan's adoption. Any request for review must
24 specify the reason or reasons alleged why the local plan is not
25 consistent with the applicable redistricting criteria. The municipal
26 corporation, county, or district may be joined as respondent. The
27 superior court shall thereupon review the challenged plan for
28 compliance with the applicable redistricting criteria set out in
29 subsection (4) of this section.

30 (b) If the superior court finds the plan to be consistent with
31 the requirements of this section, the plan shall take effect
32 immediately.

33 (c) If the superior court determines the plan does not meet the
34 requirements of this section, in whole or in part, it shall remand
35 the plan for further or corrective action within a specified and
36 reasonable time period.

37 (d) If the superior court finds that any request for review is
38 frivolous or has been filed solely for purposes of harassment or
39 delay, it may impose appropriate sanctions on the party requesting

1 review, including payment of attorneys' fees and costs to the
2 respondent municipal corporation, county, or district.

3 **Sec. 2.** RCW 29A.76.010 and 2018 c 301 s 8 are each amended to
4 read as follows:

5 (1) It is the responsibility of each county, municipal
6 corporation, and special purpose district with a governing body
7 comprised of internal director, council, or commissioner districts
8 not based on statutorily required land ownership criteria to
9 periodically redistrict its governmental unit, based on population
10 information from the most recent federal decennial census.

11 (2) Within forty-five days after receipt of federal decennial
12 census information applicable to a specific local area, the
13 commission established in RCW 44.05.030 shall forward the census
14 information to each municipal corporation, county, and district
15 charged with redistricting under this section.

16 (3) Except as otherwise provided in chapter 301, Laws of 2018, no
17 later than (~~eight months after its receipt of federal decennial~~
18 ~~census data~~) November 15th of each year ending in one, the governing
19 body of the municipal corporation, county, or district shall prepare
20 a plan for redistricting its internal or director districts.

21 (4) The plan shall be consistent with the following criteria:

22 (a) Each internal director, council, or commissioner district
23 shall be as nearly equal in population as possible to each and every
24 other such district comprising the municipal corporation, county, or
25 special purpose district.

26 (b) Each district shall be as compact as possible.

27 (c) Each district shall consist of geographically contiguous
28 area.

29 (d) Population data may not be used for purposes of favoring or
30 disfavoring any racial group or political party.

31 (e) To the extent feasible and if not inconsistent with the basic
32 enabling legislation for the municipal corporation, county, or
33 district, the district boundaries shall coincide with existing
34 recognized natural boundaries and shall, to the extent possible,
35 preserve existing communities of related and mutual interest.

36 (5) During the adoption of its plan, the municipal corporation,
37 county, or district shall ensure that full and reasonable public
38 notice of its actions is provided. Before adopting the plan, the
39 municipal corporation, county, or district must:

1 (a) Publish the draft plan and hold a meeting, including notice
2 and comment, within ten days of publishing the draft plan and at
3 least one week before adopting the plan; and

4 (b) Amend the draft as necessary after receiving public comments
5 and resubmit any amended draft plan for additional written public
6 comment at least one week before adopting the plan.

7 (6)(a) Any registered voter residing in an area affected by the
8 redistricting plan may request review of the adopted local plan by
9 the superior court of the county in which he or she resides, within
10 fifteen days of the plan's adoption. Any request for review must
11 specify the reason or reasons alleged why the local plan is not
12 consistent with the applicable redistricting criteria. The municipal
13 corporation, county, or district may be joined as respondent. The
14 superior court shall thereupon review the challenged plan for
15 compliance with the applicable redistricting criteria set out in
16 subsection (4) of this section.

17 (b) If the superior court finds the plan to be consistent with
18 the requirements of this section, the plan shall take effect
19 immediately.

20 (c) If the superior court determines the plan does not meet the
21 requirements of this section, in whole or in part, it shall remand
22 the plan for further or corrective action within a specified and
23 reasonable time period.

24 (d) If the superior court finds that any request for review is
25 frivolous or has been filed solely for purposes of harassment or
26 delay, it may impose appropriate sanctions on the party requesting
27 review, including payment of attorneys' fees and costs to the
28 respondent municipal corporation, county, or district.

29 **Sec. 3.** RCW 29A.92.050 and 2019 c 454 s 1 and 2019 c 64 s 8 are
30 each reenacted and amended to read as follows:

31 (1)(a) Prior to the adoption of its proposed plan, the political
32 subdivision must provide public notice to residents of the
33 subdivision about the proposed remedy to a potential violation of RCW
34 29A.92.020. If a significant segment of the residents of the
35 subdivision have limited English proficiency and speaks a language
36 other than English, the political subdivision must:

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

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

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

7 (c) For purposes of this section, "significant segment of the
8 community" means five percent or more of residents, or five hundred
9 or more residents, whichever is fewer, residing in the political
10 subdivision.

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

17 (b) If the political subdivision invokes its authority under RCW
18 29A.92.040 and the plan is adopted during the period of time between
19 January 16th and on or before the first Monday of November, the next
20 election will occur as scheduled and organized under the current
21 electoral system, but the political subdivision shall order new
22 elections to occur pursuant to the remedy at the general election the
23 following calendar year.

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

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

30 (b) Each district shall be reasonably compact.

31 (c) Each district shall consist of geographically contiguous
32 area.

33 (d) To the extent feasible, the district boundaries shall
34 coincide with existing recognized natural boundaries and shall, to
35 the extent possible, preserve existing communities of related and
36 mutual interest.

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

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

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

9 (5) (~~No later than eight months after its receipt of federal~~
10 ~~decennial census data, the~~) The governing body of the political
11 subdivision that had previously invoked its authority under RCW
12 29A.92.040 to implement a district-based election system, or that was
13 previously charged with redistricting under RCW 29A.92.110, shall
14 prepare a plan for redistricting its districts, pursuant to RCW
15 29A.76.010, and in a manner consistent with this chapter:

16 (a) By December 31, 2021, if the political subdivision is
17 scheduled to elect members to its governing body in 2022; or

18 (b) By November 15, 2022, if the political subdivision is not
19 scheduled to elect members to its governing body in 2022.

20 **Sec. 4.** RCW 29A.92.050 and 2019 c 454 s 1 and 2019 c 64 s 8 are
21 each reenacted and amended to read as follows:

22 (1)(a) Prior to the adoption of its proposed plan, the political
23 subdivision must provide public notice to residents of the
24 subdivision about the proposed remedy to a potential violation of RCW
25 29A.92.020. If a significant segment of the residents of the
26 subdivision have limited English proficiency and speaks a language
27 other than English, the political subdivision must:

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

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

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

37 (c) For purposes of this section, "significant segment of the
38 community" means five percent or more of residents, or five hundred

1 or more residents, whichever is fewer, residing in the political
2 subdivision.

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

9 (b) If the political subdivision invokes its authority under RCW
10 29A.92.040 and the plan is adopted during the period of time between
11 January 16th and on or before the first Monday of November, the next
12 election will occur as scheduled and organized under the current
13 electoral system, but the political subdivision shall order new
14 elections to occur pursuant to the remedy at the general election the
15 following calendar year.

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

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

22 (b) Each district shall be reasonably compact.

23 (c) Each district shall consist of geographically contiguous
24 area.

25 (d) To the extent feasible, the district boundaries shall
26 coincide with existing recognized natural boundaries and shall, to
27 the extent possible, preserve existing communities of related and
28 mutual interest.

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

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

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

1 (5) No later than (~~eight months after its receipt of federal~~
2 ~~decennial census data~~) November 15th of each year ending in one, the
3 governing body of the political subdivision that had previously
4 invoked its authority under RCW 29A.92.040 to implement a district-
5 based election system, or that was previously charged with
6 redistricting under RCW 29A.92.110, shall prepare a plan for
7 redistricting its districts, pursuant to RCW 29A.76.010, and in a
8 manner consistent with this chapter.

9 NEW SECTION. **Sec. 5.** Sections 1 and 3 of this act expire
10 January 1, 2023.

11 NEW SECTION. **Sec. 6.** Sections 2 and 4 of this act take effect
12 January 1, 2023.

13 NEW SECTION. **Sec. 7.** Sections 1 and 3 of this act are necessary
14 for the immediate preservation of the public peace, health, or
15 safety, or support of the state government and its existing public
16 institutions, and take effect immediately."

17 Correct the title.

EFFECT: Modifies the deadline for certain local jurisdictions to
prepare a redistricting plan to require that:

(1) Until January 1, 2023, the local jurisdictions prepare a plan
by December 31, 2021, if the jurisdiction is scheduled to elect
members to its governing body in 2022, or by November 15, 2022, if
the jurisdiction is not scheduled to elect such members in 2022; and

(2) As of January 1, 2023, the local jurisdictions prepare a
redistricting plan by November 15 of each year ending in one, rather
than the earlier of eight months after the receipt of the federal
decennial census data or November 15 of each year ending in one.

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