

# HOUSE BILL REPORT

## SSB 5013

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### As Passed House - Amended:

March 24, 2021

**Title:** An act relating to local redistricting deadlines.

**Brief Description:** Concerning local redistricting deadlines.

**Sponsors:** Senate Committee on State Government & Elections (originally sponsored by Senators Hunt, Kuderer and Wilson, C.).

### Brief History:

#### Committee Activity:

State Government & Tribal Relations: 3/11/21, 3/15/21 [DPA].

#### Floor Activity:

Passed House: 3/24/21, 98-0.

### Brief Summary of Substitute Bill (As Amended By House)

- Establishes new deadlines by when certain local jurisdictions using district-based systems to elect its governing body are required to prepare redistricting plans to be by December 1, 2021, for jurisdictions scheduled to elect members to its governing body in 2022, and November 15, 2022, for other qualifying jurisdictions.
- Modifies the deadline, beginning on January 1, 2023, by when certain local jurisdictions using district-based systems to elect their governing bodies are required to prepare their redistricting plans from eight months after the receipt of census data, to November 15 of each year ending in one.

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## HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

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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 part of the legislation nor does it constitute a statement of legislative intent.*

**Majority Report:** Do pass as amended. Signed by 7 members: Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan, Graham and Gregerson.

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

**Background:**

Elections by District.

Local jurisdictions conduct elections in a variety of ways for local boards, commissions, and other multi-member bodies. Some common voting methods include at-large, district-based, and hybrid election systems. In an at-large election, candidates are elected from voters of the entire jurisdiction. In a district-based election, the jurisdiction is divided into separate districts and each candidate is elected by the voters of a district in which the candidate resides. A hybrid system has elements of both at-large and district-based election systems. For example, a primary may be district-based, with candidates facing off in an at-large general election. Certain counties, cities, and special purpose districts use such a hybrid system for electing the governing body of the jurisdiction. Eight first-class cities, two second-class cities, and 17 optional municipal code cities use some form of district-based elections to elect council members. The 32 noncharter counties in the state, which are counties that have not adopted a "home rule" charter to provide for their own form of government, are required to use the hybrid system for electing its commissioners. Counties adopting home rule charters may adopt different systems for electing their commissioners.

With exceptions, the Voting Rights Act authorizes counties, cities, towns, school districts, fire protection districts, port districts, and public utility districts to change its electoral system to implement a district-based election system if at-large voting would impair the ability of members of a protected class or classes to have an equal opportunity to elect candidates of their choice.

Redistricting.

Under the direction of the state Constitution, in January of each year ending in one, the state Redistricting Commission (Commission) is established to provide for the redistricting of state legislative and congressional districts. The Commission must complete redistricting as soon as possible following the federal decennial census, but no later than November 15 of each year ending in one.

Each county, city, and special purpose district which elects all or part of its governing body using the district-based method must prepare a plan for redistricting after each decennial census. The Commission must forward census data to such local jurisdiction within 45 days of receipt from the Census Bureau. The local jurisdiction must then prepare a redistricting plan within eight months of receipt of the data from the Commission.

2020 Census.

The Census Bureau conducts the census at 10-year intervals. At the conclusion of each census, the results are used to determine apportionment and redistricting for congressional and legislative districts in each state. Apportionment is the process of dividing the 435 seats in the United States House of Representatives among the 50 states. Federal law requires that the apportionment population counts be delivered to the President within nine months of the decennial census date. Typically, the decennial census date has been April 1 of the census year, which means the apportionment population counts would be due by December 31. In addition, the statutory deadline for providing redistricting data to the states is one year after the decennial census date.

The Census Bureau announced delays in delivering data from the 2020 Census caused by circumstances related to COVID-19. On January 27, 2021, the Census Bureau announced an estimated delivery time for apportionment data of April 30, 2021. On February 12, 2021, the Census Bureau announced that it expects to release redistricting data by September 30, 2021.

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

The deadline for when the redistricting plan must be submitted by each county, city, and special purpose district that elects all or part of its governing body using the district-based method is modified. Until January 1, 2023, local jurisdictions that are scheduled to elect members to its governing body in 2022 must submit redistricting plans by December 1, 2021. Local jurisdictions not electing members in 2022 must submit a redistricting plan by November 15, 2022. Beginning on January 1, 2023, the statutory deadline for preparing a redistricting plan for all local jurisdictions that elect all or part of its governing body using the district-based method is November 15 of each year ending in one.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately, except sections 2 and 4, relating to redistricting plans beginning January 1, 2023, which take effect January 1, 2023.

### **Staff Summary of Public Testimony:**

(In support) Two years ago the Legislature passed a constitutional amendment moving the state and congressional redistricting deadline from December 31 to November 15 of each year ending in one. But with the pandemic, the Census Bureau had trouble meeting the federal census deadlines. The state Redistricting Commission stated that it can and will meet the November 15 deadline, but the local jurisdictions that need to redraw commissioner districts, council districts, and precinct committee lines need more time. Moving the deadline for the local jurisdictions that are conducting district-based elections in

2020 to elect members to their governing bodies will help ensure that the proper notices are provided and sufficient time is allowed for public comment. This change is needed just for elections taking place in 2022; after that, all jurisdictions conducting district-based elections will be on the same timeline to submit redistricting plans by November 15 of each year ending in one.

(Opposed) None.

**Persons Testifying:** Senator Hunt, prime sponsor; Mary Hall, Thurston County Auditor; and Mike Hoover, Washington State Association of Counties.

**Persons Signed In To Testify But Not Testifying:** None.