
SUBSTITUTE SENATE BILL 5013

State of Washington

67th Legislature

2021 Regular Session

By Senate State Government & Elections (originally sponsored by Senators Hunt, Kuderer, and Wilson, C.)

READ FIRST TIME 01/18/21.

1 AN ACT Relating to local redistricting deadlines; amending RCW
2 29A.76.010; reenacting and amending RCW 29A.92.050; and declaring an
3 emergency.

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

5 **Sec. 1.** RCW 29A.76.010 and 2018 c 301 s 8 are each amended to
6 read as follows:

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

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

18 (3) Except as otherwise provided in chapter 301, Laws of 2018, no
19 later than the earlier of eight months after its receipt of federal
20 decennial census data or November 15th of each year ending in one,
21 the governing body of the municipal corporation, county, or district

1 shall prepare a plan for redistricting its internal or director
2 districts.

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

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

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

9 (c) Each district shall consist of geographically contiguous
10 area.

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

13 (e) To the extent feasible and if not inconsistent with the basic
14 enabling legislation for the municipal corporation, county, or
15 district, the district boundaries shall coincide with existing
16 recognized natural boundaries and shall, to the extent possible,
17 preserve existing communities of related and mutual interest.

18 (5) During the adoption of its plan, the municipal corporation,
19 county, or district shall ensure that full and reasonable public
20 notice of its actions is provided. Before adopting the plan, the
21 municipal corporation, county, or district must:

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

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

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

38 (b) If the superior court finds the plan to be consistent with
39 the requirements of this section, the plan shall take effect
40 immediately.

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

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

10 **Sec. 2.** RCW 29A.92.050 and 2019 c 454 s 1 and 2019 c 64 s 8 are
11 each reenacted and amended to read as follows:

12 (1)(a) Prior to the adoption of its proposed plan, the political
13 subdivision must provide public notice to residents of the
14 subdivision about the proposed remedy to a potential violation of RCW
15 29A.92.020. If a significant segment of the residents of the
16 subdivision have limited English proficiency and speaks a language
17 other than English, the political subdivision must:

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

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

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

27 (c) For purposes of this section, "significant segment of the
28 community" means five percent or more of residents, or five hundred
29 or more residents, whichever is fewer, residing in the political
30 subdivision.

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

37 (b) If the political subdivision invokes its authority under RCW
38 29A.92.040 and the plan is adopted during the period of time between
39 January 16th and on or before the first Monday of November, the next

1 election will occur as scheduled and organized under the current
2 electoral system, but the political subdivision shall order new
3 elections to occur pursuant to the remedy at the general election the
4 following calendar year.

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

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

11 (b) Each district shall be reasonably compact.

12 (c) Each district shall consist of geographically contiguous
13 area.

14 (d) To the extent feasible, the district boundaries shall
15 coincide with existing recognized natural boundaries and shall, to
16 the extent possible, preserve existing communities of related and
17 mutual interest.

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

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

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

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

37 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
38 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes
2 effect immediately.

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