

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5013

67th Legislature
2021 Regular Session

Passed by the Senate April 14, 2021
Yeas 48 Nays 0

President of the Senate

Passed by the House March 24, 2021
Yeas 98 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5013** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5013

AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

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 and 29A.76.010; reenacting and amending RCW 29A.92.050 and
3 29A.92.050; providing an effective date; providing an expiration
4 date; and declaring an emergency.

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

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

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

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

19 (3) Except as otherwise provided in chapter 301, Laws of 2018,
20 (~~no later than eight months after its receipt of federal decennial~~
21 ~~census data,~~) the governing body of the municipal corporation,

1 county, or district shall prepare a plan for redistricting its
2 internal or director districts:

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

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

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

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

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

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

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

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

22 (5) During the adoption of its plan, the municipal corporation,
23 county, or district shall ensure that full and reasonable public
24 notice of its actions is provided. Before adopting the plan, the
25 municipal corporation, county, or district must:

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

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

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

1 compliance with the applicable redistricting criteria set out in
2 subsection (4) of this section.

3 (b) If the superior court finds the plan to be consistent with
4 the requirements of this section, the plan shall take effect
5 immediately.

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

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

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

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

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

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

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

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

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

5 (1)(a) Prior to the adoption of its proposed plan, the political
6 subdivision must provide public notice to residents of the
7 subdivision about the proposed remedy to a potential violation of RCW
8 29A.92.020. If a significant segment of the residents of the
9 subdivision have limited English proficiency and speaks a language
10 other than English, the political subdivision must:

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

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

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

20 (c) For purposes of this section, "significant segment of the
21 community" means five percent or more of residents, or five hundred
22 or more residents, whichever is fewer, residing in the political
23 subdivision.

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

30 (b) If the political subdivision invokes its authority under RCW
31 29A.92.040 and the plan is adopted during the period of time between
32 January 16th and on or before the first Monday of November, the next
33 election will occur as scheduled and organized under the current
34 electoral system, but the political subdivision shall order new
35 elections to occur pursuant to the remedy at the general election the
36 following calendar year.

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

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

4 (b) Each district shall be reasonably compact.

5 (c) Each district shall consist of geographically contiguous
6 area.

7 (d) To the extent feasible, the district boundaries shall
8 coincide with existing recognized natural boundaries and shall, to
9 the extent possible, preserve existing communities of related and
10 mutual interest.

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

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

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

22 (5) (~~No later than eight months after its receipt of federal~~
23 ~~decennial census data, the~~) The governing body of the political
24 subdivision that had previously invoked its authority under RCW
25 29A.92.040 to implement a district-based election system, or that was
26 previously charged with redistricting under RCW 29A.92.110, shall
27 prepare a plan for redistricting its districts, pursuant to RCW
28 29A.76.010, and in a manner consistent with this chapter:

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

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

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

35 (1)(a) Prior to the adoption of its proposed plan, the political
36 subdivision must provide public notice to residents of the
37 subdivision about the proposed remedy to a potential violation of RCW
38 29A.92.020. If a significant segment of the residents of the

1 subdivision have limited English proficiency and speaks a language
2 other than English, the political subdivision must:

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

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

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

12 (c) For purposes of this section, "significant segment of the
13 community" means five percent or more of residents, or five hundred
14 or more residents, whichever is fewer, residing in the political
15 subdivision.

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

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

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

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

35 (b) Each district shall be reasonably compact.

36 (c) Each district shall consist of geographically contiguous
37 area.

38 (d) To the extent feasible, the district boundaries shall
39 coincide with existing recognized natural boundaries and shall, to

1 the extent possible, preserve existing communities of related and
2 mutual interest.

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

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

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

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

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

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

26 NEW SECTION. **Sec. 7.** Sections 1 and 3 of this act are necessary
27 for the immediate preservation of the public peace, health, or
28 safety, or support of the state government and its existing public
29 institutions, and take effect immediately.

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