
SECOND SUBSTITUTE HOUSE BILL 1710

State of Washington

69th Legislature

2025 Regular Session

By House Appropriations (originally sponsored by Representatives Mena, Salahuddin, Gregerson, Berg, Reeves, Cortes, Stonier, Timmons, Thomas, Reed, Hill, Berry, Simmons, Parshley, Farivar, Zahn, Fosse, Peterson, Goodman, Street, Doglio, Scott, Pollet, Nance, Ormsby, Ryu, Macri, Ramel, and Obras)

READ FIRST TIME 02/28/25.

1 AN ACT Relating to compliance with the Washington voting rights
2 act of 2018; adding a new chapter to Title 29A RCW; and creating a
3 new section.

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

5 NEW SECTION. **Sec. 1.** (1) "Covered jurisdiction" means a
6 jurisdiction which has been designated by the office of the secretary
7 of state by rule in accordance with section 4 of this act to be:

8 (a) A political subdivision which, within the previous 25 years,
9 has become subject to a court order, government enforcement action,
10 court-approved consent decree, or a settlement in which the political
11 subdivision conceded liability, based upon:

12 (i) A violation of chapter 29A.92 RCW, the federal voting rights
13 act, the 15th amendment to the United States Constitution, or any
14 voting-related violation of the 14th amendment to the United States
15 Constitution or of the Washington Constitution; or

16 (ii) A finding or concession that the political subdivision
17 engaged in a pattern, policy, or practice of discrimination against
18 members of a protected class in violation of state or federal law;

19 (b) A political subdivision which contains at least 6,000
20 citizens of voting age of a protected class or whose members comprise
21 at least 15 percent of the citizen voting population of the political

1 subdivision and where, at any point within the previous 10 years, the
2 percentage of the citizen voting age population of the protected
3 class that is registered to vote is at least 10 percentage points
4 lower than the percentage of all citizens of voting age that are
5 registered to vote in the political subdivision; or where, at any
6 point during the previous 10 years, the percentage of the citizen
7 voting age population of the protected class within the political
8 subdivision that participated in any general election for any office
9 of the political subdivision is at least 10 percentage points lower
10 than the percentage of all citizens of voting age that participated
11 in the election;

12 (c) A political subdivision where, for members of a protected
13 class consisting of at least 6,000 citizens of voting age or whose
14 members comprise at least 15 percent of the citizen voting age
15 population of the political subdivision, at any point during the
16 previous 10 years, the poverty rate of that protected class exceeds
17 the poverty rate of the whole population of the political subdivision
18 by at least 10 percentage points; or

19 (d) Any political subdivision that, during the previous 25 years,
20 was found to have enacted or implemented a covered policy without
21 obtaining preclearance for such covered policy while designated as a
22 covered jurisdiction pursuant to this section.

23 (2) (a) "Covered practice" means:

24 (i) Any change to the method of election of members of a
25 governing body, including the removal of seats, the addition of seats
26 elected at large, or the conversion of one or more seats elected from
27 a single-member district to one or more at-large seats or seats from
28 a multimember district;

29 (ii) Any change, or series of changes within a 12-month period,
30 to the boundaries of the covered jurisdiction that reduces by more
31 than five percentage points the proportion of the jurisdiction's
32 citizen voting age population that is composed of members of any
33 protected class that is a basis for the political subdivision's
34 designation as a covered jurisdiction;

35 (iii) Any change to the boundaries of election districts or wards
36 in the covered jurisdiction;

37 (iv) Any change that restricts the ability of any person to
38 provide interpreter services to voters in any language other than
39 English or which limits or impairs the creation or distribution of
40 voting materials in any language other than English;

1 (v) Any change to the covered jurisdiction's plan of government,
2 including a change to or in the framing of a jurisdiction's charter;

3 (vi) The method of election or district plans if, following each
4 decennial census, a covered jurisdiction maintains an at-large method
5 of election or a covered jurisdiction that implements a district-
6 based election system makes no revisions to its districting plans;

7 (vii) A change in the number, location, or hours of any election
8 day or early voting site or ballot drop boxes; or

9 (viii) A change that may have the effect of denying, abridging,
10 or diluting the right to vote on account of race, color, or
11 membership in a language minority group, as determined by the office
12 of the attorney general by rule.

13 (b) "Covered practice" is not limited to actions taken
14 independently by the governing body of a political subdivision, but
15 also includes any changes as a result of ballot initiatives approved
16 by voters.

17 (3) "Government enforcement action" includes a denial of
18 administrative or judicial preclearance by the state or federal
19 government, a final judgment or adjudication, or a similar formal
20 action including but not limited to orders or final determinations
21 from administrative adjudications.

22 (4) "Political subdivision" has the same meaning as defined in
23 RCW 29A.92.010.

24 (5) "Protected class" has the same meaning as defined in RCW
25 29A.92.010.

26 NEW SECTION. **Sec. 2.** (1)(a) Prior to adopting or administering
27 a covered practice as defined in section 1 of this act, the governing
28 body of a covered jurisdiction shall submit such covered practice to
29 the attorney general for issuance of a certification of no objection
30 to the proposed covered practice.

31 (b) The attorney general shall issue a certification of no
32 objection, only if the proposed covered practice:

33 (i) Will not diminish the ability of the protected class or
34 classes that are the basis for the political subdivision's
35 designation as a covered jurisdiction to participate in the political
36 process or to elect their preferred candidates to office; and

37 (ii) Does not violate chapter 29A.92 RCW, the federal voting
38 rights act, 52 U.S.C. Sec. 10301 et seq., or other provisions of
39 state or federal law.

1 (2) No covered practice is effective until the attorney general
2 has issued a certification of no objection.

3 (3) (a) A certification of no objection may be deemed to have been
4 issued if:

5 (i) After submitting a covered policy for a certification with
6 the attorney general, the attorney general does not issue an
7 objection within 60 days of the governing body's submission of the
8 covered policy, except when the timeline is extended pursuant to (b)
9 of this subsection; or

10 (ii) The attorney general affirmatively indicates that no such
11 objection will be made, upon a showing of good cause to facilitate an
12 expedited approval within 60 days of the governing body's submission.

13 (b) The attorney general may, no more than twice, extend the
14 number of days to issue an objection under (a) of this subsection by
15 90 days for each extension.

16 (c) If the attorney general affirmatively indicates that no
17 objection will be made within the 60-day period following the receipt
18 of the governing body's submission, the attorney general may reserve
19 the right to reexamine the submission if the attorney general
20 discovers additional information during the remainder of the 60-day
21 period that would otherwise require an objection in accordance with
22 this section. Upon reexamination, the attorney general may extend the
23 number of days to issue an objection in accordance with (b) of this
24 subsection.

25 (d) An affirmative indication by the attorney general that no
26 objection will be made or the attorney general's failure to object
27 does not bar a subsequent action to enjoin enforcement of the covered
28 practice.

29 (4) The attorney general may institute an action in superior
30 court of the county in which the relevant political subdivision is
31 located or in the Thurston county superior court to enjoin a covered
32 jurisdiction from implementing a covered practice and to compel the
33 governing body of the covered jurisdiction to comply with the
34 requirements under subsection (1) of this section.

35 (5) If the attorney general objects to a covered practice
36 submitted by a covered jurisdiction, the covered jurisdiction may
37 appeal the objection in superior court of the county in which the
38 relevant political subdivision is located or in the Thurston county
39 superior court. No other parties may file an action to appeal an
40 objection by the attorney general to a covered practice nor intervene

1 in any such action brought by the covered jurisdiction. Due to the
2 frequency and urgency of elections, actions brought pursuant to this
3 section shall be subject to expedited proceedings.

4 (6) In any action under this section, the court has discretion to
5 stay the implementation of the covered practice until it issues its
6 final order or determination. An action under this subdivision does
7 not preclude, bar, or limit any other actions that may be brought
8 regarding the covered policy in any way, including actions brought
9 under other sections of chapter 29A.92 RCW.

10 NEW SECTION. **Sec. 3.** (1) An action may be filed by any
11 aggrieved party in any of the following circumstances:

12 (a) The attorney general has issued a certification of no
13 objection to a covered policy in violation of section 2 of this act;
14 or

15 (b) To compel the governing body of the covered jurisdiction to
16 institute an action for a declaratory judgment or to seek issuance of
17 a certification of no objection from the attorney general prior to
18 adopting or implementing the covered practice.

19 (2) An action to appeal the attorney general's certificate of no
20 objection must be filed in superior court of the county in which the
21 relevant political subdivision is located or in the Thurston county
22 superior court.

23 (3) In any claim under this section, the court has discretion to
24 stay the implementation of the covered practice until it issues its
25 final order or determination. A claim under this subdivision does not
26 preclude, bar, or limit any other claims that may be brought
27 regarding the covered policy in any way, including claims brought
28 under other sections of chapter 29A.92 RCW. Review of the attorney
29 general's determination under subsection (1)(a) of this section is de
30 novo.

31 (4) For purposes of this section, an "aggrieved person" may
32 include any organization whose:

33 (a) Membership includes individuals aggrieved by a violation of
34 this section; or

35 (b) Mission would be frustrated by a violation of this section,
36 including but not limited to an entity who would expend or divert
37 resources to fulfill its mission as a result of such violation.

1 (5) An organization described under subsection (4) of this
2 section may not be compelled to disclose the identity of any specific
3 member to pursue a claim on behalf of its members.

4 NEW SECTION. **Sec. 4.** (1) No later than July 1st of each even-
5 numbered year, the secretary of state shall by rule and in
6 consultation with the attorney general, the office of financial
7 management, and other relevant agencies, designate those political
8 subdivisions which qualify as covered jurisdictions pursuant to
9 section 1 of this act based on the best available data from the
10 United States census bureau, the most recent American community
11 survey, or other data of comparable quality collected by a federal,
12 state, or local agency. The secretary of state shall provide written
13 notice to the covered jurisdiction of the designation. A
14 determination made pursuant to this subsection is effective on the
15 date that the written notice is sent.

16 (2) The office of the attorney general shall maintain a publicly
17 accessible website containing the following information:

18 (a) A list of all covered jurisdictions, to be updated
19 biannually;

20 (b) All submissions for a certificate of no objection and actions
21 filed in superior court for a declaratory judgment certifying that
22 the covered practice meets the standard in section 2 of this act,
23 including any supporting documents submitted by the covered entity;
24 and

25 (c) The status and disposition of each submission under (b) of
26 this subsection.

27 NEW SECTION. **Sec. 5.** Once the attorney general issues a
28 certificate of no objection pursuant to section 2 of this act, or
29 once the attorney general's certificate of no objection of a covered
30 practice is upheld by a court in the case of an appeal under section
31 3(1)(a) of this act, whichever is later, an action against the
32 political subdivision based on the same covered practice may not be
33 brought within four years of the approval of that covered practice so
34 long as the political subdivision does not enact a change to or
35 deviation from the approved covered practice during the four-year
36 period that would otherwise give rise to an action under this chapter
37 or chapter 29A.92 RCW. This section does not preclude an appeal under

1 section 3(1)(a) of this act or an action by the attorney general
2 under section 2(3)(d) of this act.

3 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act
4 constitute a new chapter in Title 29A RCW.

5 NEW SECTION. **Sec. 7.** If specific funding for the purposes of
6 this act, referencing this act by bill or chapter number, is not
7 provided by June 30, 2025, in the omnibus appropriations act, this
8 act is null and void.

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