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HOUSE BILL 1710

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State of Washington

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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 01/29/25. Referred to Committee on State Government & Tribal Relations.

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

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

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

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

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

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

18 (b) A political subdivision which contains at least 6,000  
19 citizens of voting age of a protected class or whose members comprise  
20 at least 15 percent of the citizen voting population of the political  
21 subdivision and where, at any point within the previous 10 years, the

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

11 (c) A political subdivision where, for members of a protected  
12 class consisting of at least 6,000 citizens of voting age or whose  
13 members comprise at least 15 percent of the citizen voting age  
14 population of the political subdivision, at any point during the  
15 previous 10 years, the combined misdemeanor and felony arrest rate of  
16 that protected class is more than two times that of the whole  
17 population of the political subdivision;

18 (d) A political subdivision where, for members of a protected  
19 class consisting of at least 6,000 citizens of voting age or whose  
20 members comprise at least 15 percent of the citizen voting age  
21 population of the political subdivision, at any point during the  
22 previous 10 years, the poverty rate of that protected class exceeds  
23 the poverty rate of the whole population of the political subdivision  
24 by at least 10 percentage points; or

25 (e) Any political subdivision that, during the previous 25 years,  
26 was found to have enacted or implemented a covered policy without  
27 obtaining preclearance for such covered policy while designated as a  
28 covered jurisdiction pursuant to this section.

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

30 (i) Any change to the method of election of members of a  
31 governing body, including the removal of seats, the addition of seats  
32 elected at large, or the conversion of one or more seats elected from  
33 a single-member district to one or more at-large seats or seats from  
34 a multimember district;

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

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

3 (iv) Any change that restricts the ability of any person to  
4 provide interpreter services to voters in any language other than  
5 English or which limits or impairs the creation or distribution of  
6 voting materials in any language other than English;

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

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

13 (vii) The annexation or deannexation of a political subdivision  
14 or the consolidation or division of political subdivisions;

15 (viii) A change in the number, location, or hours of any election  
16 day or early voting site or ballot drop boxes; or

17 (ix) A change that may have the effect of denying, abridging, or  
18 diluting the right to vote on account of race, color, or membership  
19 in a language minority group, as determined by the office of the  
20 attorney general by rule.

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

25 (3) "Government enforcement action" includes a denial of  
26 administrative or judicial preclearance by the state or federal  
27 government, a final judgment or adjudication, or a similar formal  
28 action including but not limited to orders or final determinations  
29 from administrative adjudications.

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

32 (5) "Protected class" has the same meaning as defined in RCW  
33 29A.92.010.

34 NEW SECTION. **Sec. 2.** (1)(a) Prior to adopting or administering  
35 a covered practice as defined in section 1 of this act, the governing  
36 body of a covered jurisdiction shall:

37 (i) Institute an action in Thurston county superior court or, if  
38 the jurisdiction is located within Thurston county, institute an  
39 action in King county superior court, for a declaratory judgment

1 certifying that the covered practice meets the standard in (b) of  
2 this subsection; or

3 (ii) Submit such covered practice to the attorney general for  
4 issuance of a certification of no objection to the proposed covered  
5 practice.

6 (b) The superior court shall issue the declaratory judgment or,  
7 if applicable, the attorney general shall issue a certification of no  
8 objection, only if the proposed covered practice:

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

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

16 (2) No covered practice is effective until the superior court has  
17 entered a declaratory judgment certifying that the covered practice  
18 meets the standard in subsection (1)(b) of this section or the  
19 attorney general has issued a certification of no objection.

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

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

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

30 (b) The attorney general may, no more than twice, extend the  
31 number of days to issue an objection under (a) of this subsection by  
32 90 days for each extension.

33 (c) If the attorney general affirmatively indicates that no  
34 objection will be made within the 60-day period following the receipt  
35 of the governing body's submission, the attorney general may reserve  
36 the right to reexamine the submission if the attorney general  
37 discovers additional information during the remainder of the 60-day  
38 period that would otherwise require an objection in accordance with  
39 this section. Upon reexamination, the attorney general may extend the

1 number of days to issue an objection in accordance with (b) of this  
2 subsection.

3 (d) An affirmative indication by the attorney general that no  
4 objection will be made, the attorney general's failure to object, or  
5 a declaratory judgment entered by the superior court certifying that  
6 the covered practice meets the standard in subsection (1)(b) of this  
7 section does not bar a subsequent action to enjoin enforcement of the  
8 covered practice.

9 (4) The attorney general may institute an action in superior  
10 court of the county in which the relevant political subdivision is  
11 located or in the Thurston county superior court to enjoin a covered  
12 jurisdiction from implementing a covered practice and to compel the  
13 governing body of the covered jurisdiction to comply with the  
14 requirements under subsection (1) of this section.

15 (5) If the attorney general objects to a covered practice  
16 submitted by a covered jurisdiction, the covered jurisdiction may  
17 appeal the objection in superior court of the county in which the  
18 relevant political subdivision is located or in the Thurston county  
19 superior court. No other parties may file an action to appeal an  
20 objection by the attorney general to a covered practice nor intervene  
21 in any such action brought by the covered jurisdiction. Due to the  
22 frequency and urgency of elections, actions brought pursuant to this  
23 section shall be subject to expedited proceedings.

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

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

32 (a) The attorney general has issued a certification of no  
33 objection to a covered policy in violation of section 2 of this act;

34 (b) The secretary of state has identified a list of covered  
35 jurisdictions that is inconsistent with the criteria under section 1  
36 of this act, including the failure to designate a covered  
37 jurisdiction that meets the criteria under section 1 of this act; or

38 (c) To compel the governing body of the covered jurisdiction to  
39 institute an action for a declaratory judgment or to seek issuance of

1 a certification of no objection from the attorney general prior to  
2 adopting or implementing the covered practice.

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

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

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

17 (a) Membership includes individuals aggrieved by a violation of  
18 this section; or

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

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

25 NEW SECTION. **Sec. 4.** (1) No later than July 1st of each even-  
26 numbered year, the secretary of state shall by rule and in  
27 consultation with the attorney general, the office of financial  
28 management, and other relevant agencies, designate those political  
29 subdivisions which qualify as covered jurisdictions pursuant to  
30 section 1 of this act based on the best available data from the  
31 United States census bureau, the most recent American community  
32 survey, or other data of comparable quality collected by a federal,  
33 state, or local agency. The secretary of state shall provide written  
34 notice to the covered jurisdiction of the designation. A  
35 determination made pursuant to this subsection is effective on the  
36 date that the written notice is sent.

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

1 (a) A list of all covered jurisdictions, to be updated  
2 biannually;

3 (b) All submissions for a certificate of no objection and actions  
4 filed in superior court for a declaratory judgment certifying that  
5 the covered practice meets the standard in section 2 of this act,  
6 including any supporting documents submitted by the covered entity;  
7 and

8 (c) The status and disposition of each submission under (b) of  
9 this subsection.

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

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