
HOUSE BILL 1750

State of Washington

69th Legislature

2025 Regular Session

By Representatives Hill, Gregerson, Simmons, Street, Fosse, Obras, Reed, Ormsby, Farivar, Mena, Parshley, Nance, Scott, Pollet, Macri, Ryu, and Ramel

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1 AN ACT Relating to creating guidelines for voter suppression and
2 vote dilution claims under the Washington voting rights act; amending
3 RCW 29A.92.005, 29A.92.010, 29A.92.030, 29A.92.040, 29A.92.050,
4 29A.92.060, 29A.92.070, 29A.92.080, 29A.92.090, 29A.92.100,
5 29A.92.110, and 29A.92.130; adding a new section to chapter 29A.92
6 RCW; and repealing RCW 29A.92.020.

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

8 **Sec. 1.** RCW 29A.92.005 and 2019 c 64 s 6 are each amended to
9 read as follows:

10 The legislature finds that electoral systems that deny race,
11 color, or language minority groups an equal opportunity to elect
12 candidates of their choice or impair their ability to otherwise
13 participate in any state of the political process are inconsistent
14 with the right to free and equal elections as provided by Article I,
15 section 19 and Article VI, section 1 of the Washington state
16 Constitution as well as protections found in the Fourteenth and
17 Fifteenth amendments to the United States Constitution. The well-
18 established principle of "one person, one vote" and the prohibition
19 on vote dilution have been consistently upheld in federal and state
20 courts for more than fifty years.

1 The legislature finds that there is a history in Washington, as
2 in the United States overall, of discrimination based on race, color,
3 and language minority status, including in access to the political
4 process. As a result of this history and persistent discrimination
5 and socioeconomic inequities that bear on the right to vote, members
6 of race, color, and language minority groups continue to face
7 disparate burdens in exercising the franchise and participating
8 effectively in the political process.

9 The legislature also finds that local government subdivisions are
10 often prohibited from addressing these challenges because of
11 Washington laws that narrowly prescribe the methods by which they may
12 elect members of their legislative bodies. The legislature finds that
13 in some cases, this has resulted in an improper dilution of voting
14 power for these minority groups. The legislature intends to modify
15 existing prohibitions in state laws so that these jurisdictions may
16 voluntarily adopt changes on their own, in collaboration with
17 affected community members, to remedy potential electoral issues so
18 that minority groups have an equal opportunity to elect candidates of
19 their choice or influence the outcome of an election.

20 In light of these findings, the legislature intends for this
21 chapter to encourage participation in the franchise by all eligible
22 voters and to provide voters in this state with a means to challenge
23 all forms of racial discrimination in voting, including vote dilution
24 and suppression.

25 The legislature intends for this chapter to be consistent with
26 federal protections that may provide a similar remedy for minority
27 groups. Remedies shall also be available where the drawing of
28 crossover and coalition districts is able to address both vote
29 dilution and racial polarization.

30 The legislature also intends for this chapter to be consistent
31 with legal precedent from *Mt. Spokane Skiing Corp. v. Spokane Co.* (86
32 Wn. App. 165, 1997) that found that noncharter counties need not
33 adhere to a single uniform county system of government, but that each
34 county have the same "authority available" in order to be deemed
35 uniform.

36 **Sec. 2.** RCW 29A.92.010 and 2023 c 56 s 2 are each amended to
37 read as follows:

38 The definitions in this section apply throughout this chapter
39 unless the context clearly requires otherwise. In applying these

1 definitions and other terms in this chapter, courts may rely on
2 relevant federal case law for guidance.

3 (1) "At large election" means any of the following methods of
4 electing members of the governing body of a political subdivision:

5 (a) One in which the voters of the entire jurisdiction elect the
6 members to the governing body;

7 (b) One in which the candidates are required to reside within
8 given areas of the jurisdiction and the voters of the entire
9 jurisdiction elect the members to the governing body; or

10 (c) One that combines the criteria in (a) and (b) of this
11 subsection or one that combines at large with district-based
12 elections.

13 (2) "Cohesive" means that members of a group tend to prefer the
14 same candidates or other electoral choices.

15 (3) "District-based elections" means a method of electing members
16 to the governing body of a political subdivision in which the
17 candidate must reside within an election district that is a divisible
18 part of the political subdivision and is elected only by voters
19 residing within that election district.

20 (4) "Election policy or practice" means any voting qualification,
21 prerequisite to voting, or method of election, and any law,
22 ordinance, resolution, charter or code provision, regulation, rule,
23 policy, practice, procedure, standard, or action with respect to
24 voting or the administration of elections, including the time or date
25 of elections.

26 (5) "Electoral system" means the method of electing the governing
27 body of a political subdivision or any election policy or practice
28 administered by the political subdivision.

29 (6) "Polarized voting" means voting in which there is a
30 difference in the choice of candidates or other electoral choices
31 that are preferred by voters in a protected class or a coalition of
32 protected classes, and in the choice of candidates and electoral
33 choices that are preferred by voters in the rest of the electorate.

34 ((+5)) (7) "Political subdivision" means any county, city, town,
35 school district, fire protection district, port district, or public
36 utility district, but does not include the state.

37 ((+6)) (8) "Protected class" means a class of voters who are
38 members of a race, color, or language minority group in the state of
39 Washington, as this class is referenced and defined in the federal
40 voting rights act, 52 U.S.C. 10301 et seq.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.92
2 RCW to read as follows:

3 (1) Except as provided in subsection (2) of this section, no
4 political subdivision or government entity responsible for election
5 administration may implement, impose, or enforce any election policy
6 or practice, or take any action or fail to take any action, that
7 results in, is likely to result in, or is intended to result in a
8 material disparate burden on the ability or opportunity of members of
9 a protected class to vote or participate in any stage of the
10 political process.

11 (2) It is not a violation of subsection (1) of this section if
12 the political subdivision or government entity responsible for
13 election administration demonstrates by clear and convincing evidence
14 that:

15 (a) The election policy or practice is necessary to significantly
16 further a compelling, particularized interest; and

17 (b) There is no alternative election policy or practice that
18 would result in less of a disparate burden on members of a protected
19 class.

20 (3) Proof of intent to discriminate against a protected class by
21 a political subdivision or a government entity responsible for
22 election administration is not required for a cause of action to be
23 sustained under this section.

24 (4) The following are circumstances not relevant to demonstrate a
25 violation of subsection (1) of this section:

26 (a) The total number or share of protected class members not
27 materially burdened by the election policy or practice;

28 (b) The degree to which the election policy or practice has a
29 long pedigree or was in widespread use at an earlier date;

30 (c) The use of an identical or similar election policy or
31 practice in other jurisdictions;

32 (d) The availability of other forms of voting unimpacted by the
33 election policy or practice; and

34 (e) Defenses that the election policy or practice is necessary to
35 address criminal activity, including voter fraud, or to bolster voter
36 confidence in election integrity that are not supported by
37 substantial evidence.

38 (5) A class of people protected by this section may include a
39 coalition of members of different racial, color, or language minority
40 groups.

1 **Sec. 4.** RCW 29A.92.030 and 2023 c 56 s 3 are each amended to
2 read as follows:

3 (1) No method of electing the governing body of a political
4 subdivision may be imposed or applied in a manner that impairs the
5 ability of members of a protected class or classes to have an equal
6 opportunity to elect candidates of their choice as a result of the
7 dilution or abridgment of the rights of voters who are members of a
8 protected class or classes.

9 (2) A political subdivision is in violation of (~~this chapter~~)
10 subsection (1) of this section when (~~it is shown that~~):

11 (a) Elections in the political subdivision exhibit polarized
12 voting; and

13 (b) Members of a protected class or classes do not have an equal
14 opportunity to elect candidates of their choice as a result of the
15 dilution or abridgment of the rights of members of that protected
16 class or classes.

17 (~~(2)~~) (3) In determining whether there is polarized voting
18 under this chapter, the court shall analyze election results
19 including, but not limited to, elections of the governing body of the
20 political subdivision, ballot measure elections, elections in which
21 at least one candidate is a member of a protected class, and other
22 electoral choices that affect the rights and privileges of members of
23 a protected class. The court is not required to consider
24 explanations, including partisanship, for why polarized voting under
25 this chapter exists in the political subdivision to determine whether
26 polarized voting under this chapter exists in the political
27 subdivision. Elections conducted prior to the filing of an action
28 pursuant to this chapter are more probative to establish the
29 existence of polarized voting than elections conducted after the
30 filing of an action.

31 (~~(3)~~) (4) The election of candidates who are members of a
32 protected class and who were elected prior to the filing of an action
33 pursuant to this chapter shall not preclude a finding of polarized
34 voting that results in an unequal opportunity for a protected class
35 to elect candidates of their choice.

36 (~~(4)~~) (5) The equal opportunity to elect shall be assessed
37 pragmatically, based on local election conditions, and may include
38 crossover districts. No single factor is dispositive or necessary to
39 establish a violation of this section.

1 ~~((5))~~ (6) The fact that members of a protected class are not
2 geographically compact or concentrated to constitute a majority in a
3 proposed or existing district-based election district shall not
4 preclude a finding of a violation under this chapter, but may be a
5 factor in determining a remedy.

6 ~~((6))~~ (7) Proof of intent on the part of the voters or elected
7 officials to discriminate against a protected class is not required
8 for a cause of action to be sustained.

9 ~~((7))~~ (8) Other factors such as the history of discrimination,
10 the use of electoral devices or other voting practices or procedures
11 that may enhance the dilutive effects of at large elections, denial
12 of access to those processes determining which groups of candidates
13 will receive financial or other support in a given election, the
14 extent to which members of a protected class bear the effects of past
15 discrimination in areas such as education, employment, and health,
16 which hinder their ability to participate effectively in the
17 political process, and the use of overt or subtle racial appeals in
18 political campaigns are probative, but not necessary factors, to
19 establish a violation of this chapter.

20 ~~((8))~~ (9) A class of people protected by this section may
21 include a coalition of members of different racial, color, or
22 language minority groups. A coalition of members of different
23 protected classes is not required to demonstrate that each individual
24 racial, color, or language minority group which comprises the
25 coalition is cohesive, only that the coalition as a whole is
26 cohesive.

27 **Sec. 5.** RCW 29A.92.040 and 2023 c 56 s 4 are each amended to
28 read as follows:

29 (1) A political subdivision that conducts an election pursuant to
30 state, county, or local law, is authorized to change its electoral
31 system, including, but not limited to, implementing a district-based
32 election system, or increasing the number of elected officials on a
33 county commission as authorized by RCW 29A.92.115, to remedy a
34 potential violation of (~~RCW 29A.92.020~~) this chapter.

35 (2) If a political subdivision invokes its authority under this
36 section to implement a district-based election system, the districts
37 shall be drawn in a manner consistent with RCW 29A.92.050.

1 **Sec. 6.** RCW 29A.92.050 and 2021 c 173 s 4 are each amended to
2 read as follows:

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

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

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

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

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

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

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

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

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

1 (b) Each district shall be reasonably compact.

2 (c) Each district shall consist of geographically contiguous
3 area.

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

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

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

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

19 (5) No later than November 15th of each year ending in one, the
20 governing body of the political subdivision that had previously
21 invoked its authority under RCW 29A.92.040 to implement a district-
22 based election system, or that was previously charged with
23 redistricting under RCW 29A.92.110, shall prepare a plan for
24 redistricting its districts, pursuant to RCW 29A.76.010, and in a
25 manner consistent with this chapter.

26 **Sec. 7.** RCW 29A.92.060 and 2023 c 56 s 5 are each amended to
27 read as follows:

28 (1) A voter who resides in the political subdivision, an
29 organization whose roster of members and volunteers includes a voter
30 who resides in the political subdivision, or a tribe located at least
31 in part in the political subdivision who intends to challenge a
32 political subdivision's electoral system under this chapter shall
33 first notify the political subdivision. The political subdivision
34 shall promptly make such notice public.

35 (2) The notice provided shall identify and provide contact
36 information for the person or persons who intend to file an action,
37 and shall identify the alleged violation or violations of this
38 chapter and the protected class or classes whose members ((do not
39 have an equal opportunity to elect candidates of their choice or an

1 ~~equal opportunity to influence the outcome of an election because of~~
2 ~~alleged vote dilution and polarized voting))~~ are affected. The notice
3 shall also include a type of remedy the person believes may address
4 the alleged violation or violations of ((~~RCW 29A.92.030~~)) this
5 chapter.

6 **Sec. 8.** RCW 29A.92.070 and 2023 c 56 s 8 are each amended to
7 read as follows:

8 (1) The political subdivision shall work in good faith with the
9 person, organization, or tribe providing the notice to implement a
10 remedy that resolves the potential violation or violations identified
11 in the notice and provides the protected class or classes identified
12 in the notice an equal opportunity to elect candidates of their
13 choice. Such work in good faith to implement a remedy may include,
14 but is not limited to consideration of: (a) Relevant electoral data;
15 (b) relevant demographic data, including the most recent census data
16 available; and (c) any other information that would be relevant to
17 implementing a remedy.

18 (2) If, in response to a potential violation of RCW 29A.92.030,
19 the political subdivision adopts a remedy that takes the notice into
20 account, or adopts the notice's proposed remedy, the political
21 subdivision shall seek a court order acknowledging that the political
22 subdivision's remedy complies with RCW ((~~29A.92.020~~)) 29A.92.030 and
23 was prompted by a plausible violation. The person who submitted the
24 notice may support or oppose such an order, and may obtain public
25 records to do so. The political subdivision must provide all
26 political, census, and demographic data and any analysis of that data
27 used to develop the remedy in its filings seeking the court order and
28 with any documents made public. All facts and reasonable inferences
29 shall be viewed in the light most favorable to those opposing the
30 political subdivision's proposed remedy at this stage. There shall be
31 a rebuttable presumption that the court will decline to approve the
32 political subdivision's proposed remedy at this stage.

33 (3) If the court concludes that the political subdivision's
34 remedy complies with RCW ((~~29A.92.020~~)) 29A.92.030, an action under
35 ((~~this chapter~~)) RCW 29A.92.030 may not be brought against that
36 political subdivision for four years by any party so long as the
37 political subdivision does not enact a change to or deviation from
38 the remedy during this four-year period that would otherwise give
39 rise to an action under this chapter.

1 (4) In agreeing to adopt the person's, organization's, or tribe's
2 proposed remedy to any violation of this chapter, the political
3 subdivision may do so by stipulation, which shall become a public
4 document.

5 (5) (a) If the court issues an order under subsection (2) of this
6 section as to RCW 29A.92.030 or the political subdivision implements
7 a remedy in response to a potential violation of section 3 of this
8 act, the person, organization, or tribe who sent the notice may make
9 a demand to the political subdivision for reimbursement of the costs
10 incurred in conducting the research necessary to send the notice. A
11 demand made under this subsection must:

12 (i) Be in writing;

13 (ii) Be received by the political subdivision within 30 days of
14 the adoption of the new electoral system; and

15 (iii) Include financial documentation, such as a detailed invoice
16 for demographic services, that supports the demand. The political
17 subdivision may request additional documentation if the documentation
18 provided is insufficient for the political subdivision to corroborate
19 the claimed costs.

20 (b) The political subdivision shall, within 60 days of receiving
21 the demand, reimburse the reasonable costs of the person,
22 organization, or tribe who sent the notice, not to exceed \$50,000.

23 **Sec. 9.** RCW 29A.92.080 and 2023 c 56 s 9 are each amended to
24 read as follows:

25 (1) Any voter who resides in the political subdivision,
26 organization whose roster of members and volunteers includes a voter
27 who resides in the political subdivision, or tribe located at least
28 in part in the political subdivision may file an action under this
29 chapter if, 90 days after a political subdivision receives notice of
30 a challenge to its electoral system under RCW 29A.92.060, the
31 political subdivision has not obtained a court order stating that it
32 has adopted a remedy in compliance with RCW (~~29A.92.020~~) 29A.92.030
33 or otherwise has not adopted a remedy in compliance with section 3 of
34 this act.

35 (2) If, in response to a potential violation of RCW 29A.92.030, a
36 political subdivision has received two or more notices containing
37 materially different proposed remedies, the political subdivision
38 shall work in good faith with the persons to implement a remedy that
39 provides the protected class or classes identified in the notices an

1 equal opportunity to elect candidates of their choice. If the
2 political subdivision adopts one of the remedies offered, or a
3 different remedy that takes multiple notices into account, the
4 political subdivision shall seek a court order acknowledging that the
5 political subdivision's remedy is reasonably necessary to avoid a
6 violation of RCW (~~(29A.92.020)~~) 29A.92.030. The persons,
7 organizations, or tribes who submitted the notice may support or
8 oppose such an order, and may obtain public records to do so. The
9 political subdivision must provide all political, census, and
10 demographic data and any analysis of that data used to develop the
11 remedy in its filings seeking the court order and with any documents
12 made public. All facts and reasonable inferences shall be viewed in
13 the light most favorable to those opposing the political
14 subdivision's proposed remedy at this stage. There shall be a
15 rebuttable presumption that the court will decline to approve the
16 political subdivision's proposed remedy at this stage.

17 (3) If the court concludes that the political subdivision's
18 remedy complies with RCW (~~(29A.92.020)~~) 29A.92.030, an action under
19 (~~(this chapter)~~) RCW 29A.92.030 may not be brought against that
20 political subdivision for four years by any party so long as the
21 political subdivision does not enact a change to or deviation from
22 the remedy during this four-year period that would otherwise give
23 rise to an action under this chapter.

24 (4) (a) If the court issues an order under subsection (2) of this
25 section as to RCW 29A.92.030 or the political subdivision implements
26 a remedy in response to a potential violation of section 3 of this
27 act, the persons, organizations, or tribes who sent notices may make
28 a demand to the political subdivision for reimbursement of the costs
29 incurred in conducting the research necessary to send the notices. A
30 demand made under this subsection must:

- 31 (i) Be in writing;
- 32 (ii) Be received by the political subdivision within 30 days of
33 the adoption of the new electoral system; and
- 34 (iii) Include financial documentation, such as a detailed invoice
35 for demographic services, that supports the demand. The political
36 subdivision may request additional documentation if the documentation
37 provided is insufficient for the political subdivision to corroborate
38 the claimed costs.

1 (b) The political subdivision shall, within 60 days of receiving
2 the demand, reimburse the reasonable costs of the persons,
3 organizations, or tribes who sent the notices, not to exceed \$50,000.

4 **Sec. 10.** RCW 29A.92.090 and 2023 c 56 s 6 are each amended to
5 read as follows:

6 (1) (a) After exhaustion of the time period in RCW 29A.92.080, any
7 voter who resides in a political subdivision, organization whose
8 roster of members and volunteers includes a voter who resides in the
9 political subdivision, or tribe located at least in part in the
10 political subdivision where a violation of (~~RCW 29A.92.020~~) this
11 chapter is alleged may file an action in the superior court of the
12 county in which the political subdivision is located. If the action
13 is against a county, the action may be filed in the superior court of
14 such county, or in the superior court of either of the two nearest
15 judicial districts as determined pursuant to RCW 36.01.050(2). An
16 action filed pursuant to this chapter does not need to be filed as a
17 class action. The notice and exhaustion of the time period in RCW
18 29A.92.080 is not required to file an action under this section in
19 circumstances described in (b) of this subsection.

20 (b) A party may file an action without providing notice and
21 exhausting the time period in RCW 29A.92.080 if:

22 (i) The party is seeking preliminary relief with respect to an
23 upcoming election in accordance with RCW 29A.92.100;

24 (ii) The party is seeking to intervene in or join an existing
25 action; or

26 (iii) Following the party's submission of notice, the political
27 subdivision enacted a remedy that would not remedy the violation
28 identified in the notice.

29 (2) ~~((A))~~ In an action under RCW 29A.92.030, a coalition of
30 members of different protected classes may file an action jointly
31 pursuant to this chapter if they demonstrate that the combined voting
32 preferences of the multiple protected classes are polarized against
33 the rest of the electorate. A coalition of members of different
34 protected classes is not required to demonstrate that each individual
35 racial, color, or language minority group which comprises the
36 coalition is cohesive.

37 (3) Nothing in this section shall be interpreted to relieve a
38 party of the requirement to establish standing as provided in
39 Washington case law when commencing an action under this title.

1 **Sec. 11.** RCW 29A.92.100 and 2019 c 64 s 13 are each amended to
2 read as follows:

3 (1) In an action filed pursuant to this chapter, the trial court
4 shall set a trial to be held no later than one year after the filing
5 of a complaint, and shall set a discovery and motions calendar
6 accordingly.

7 (2) For purposes of any applicable statute of limitations, a
8 cause of action under this chapter arises every time there is an
9 election for any members of the governing body of the political
10 subdivision.

11 (3) The plaintiff's constitutional right to the secrecy of the
12 plaintiff's vote is preserved and is not waived by the filing of an
13 action pursuant to this chapter, and the filing is not subject to
14 discovery or disclosure.

15 (4) In an action filed pursuant to this chapter in which a
16 plaintiff seeks a temporary restraining order or a preliminary
17 injunction with respect to an upcoming election, the court shall
18 grant relief if it determines that:

19 (a) The plaintiff is more likely than not to succeed on the
20 merits; and

21 (b) It is possible to implement an appropriate remedy that would
22 resolve the alleged violation in the upcoming election.

23 (5) In seeking a temporary restraining order or a preliminary
24 injunction, a plaintiff shall not be required to post a bond or any
25 other security in order to secure such equitable relief.

26 ~~((5))~~ (6) No notice may be submitted to any political
27 subdivision pursuant to this chapter before July 19, 2018.

28 **Sec. 12.** RCW 29A.92.110 and 2023 c 56 s 7 are each amended to
29 read as follows:

30 (1) After finding a violation of ~~((RCW 29A.92.020))~~ this chapter
31 or upon stipulation of the parties, the court may order appropriate
32 remedies that are tailored to address the violation including, but
33 not limited to, the imposition of a district-based election system or
34 expansion of the number of elected county commissioners if authorized
35 by RCW 29A.92.115, or modification of the political subdivision's
36 election policies and practices. In tailoring a remedy, the court
37 shall consider proposed remedies by the parties and may not give
38 deference to a proposed remedy only because it is proposed by the

1 political subdivision. The court may not approve a remedy that
2 violates this chapter.

3 (2) If the court orders a district-based remedy, the court must
4 approve proposed district boundaries prior to their implementation.
5 The court must determine that the proposed district boundaries will
6 not violate this chapter.

7 (3) Implementation of a district-based remedy is not precluded by
8 the fact that members of a protected class do not constitute a
9 numerical majority within a proposed district-based election
10 district. If, in tailoring a remedy, the court orders the
11 implementation of a district-based election district where the
12 members of the protected class are not a numerical majority, the
13 court shall do so in a manner that provides the protected class an
14 equal opportunity to elect candidates of their choice. The court may
15 also approve a district-based election system that provides the
16 protected class the opportunity to join in a coalition of two or more
17 protected classes to elect candidates of their choice if there is
18 demonstrated political cohesion among the protected classes.

19 (4) In tailoring a remedy after a finding of a violation of RCW
20 (~~29A.92.020~~) 29A.92.030 or upon stipulation of the parties:

21 (a) If the court's order providing a remedy or approving proposed
22 districts, whichever is later, is issued during the period of time
23 between the first Tuesday after the first Monday of November and on
24 or before January 15th of the following year, the court shall order
25 new elections, conducted pursuant to the remedy, to occur at the next
26 succeeding general election. If a special filing period is required,
27 filings for that office shall be reopened for a period of three
28 business days, such three-day period to be fixed by the filing
29 officer.

30 (b) If the court's order providing a remedy or approving proposed
31 districts, whichever is later, is issued during the period of time
32 between January 16th and on or before the first Monday of November,
33 the next election will occur as scheduled and organized under the
34 current electoral system, but the court shall order new elections to
35 occur pursuant to the remedy at the general election the following
36 calendar year.

37 (c) The remedy may provide for the political subdivision to hold
38 elections for the members of its governing body at the same time as
39 regularly scheduled elections for statewide or federal offices. All
40 positions on the governing body must stand for election at the next

1 election for the governing body, scheduled pursuant to this
2 subsection (4). The governing body may subsequently choose to stagger
3 the terms of its positions.

4 (5) Within thirty days of the conclusion of any action filed
5 under RCW 29A.92.100, the political subdivision must publish on the
6 subdivision's website, the outcome and summary of the action, as well
7 as the legal costs incurred by the subdivision. If the political
8 subdivision does not have its own website, then it may publish on the
9 county website.

10 **Sec. 13.** RCW 29A.92.130 and 2023 c 56 s 10 are each amended to
11 read as follows:

12 (1) In any action to enforce this chapter, the court may allow
13 the prevailing plaintiff or plaintiffs, other than the state or
14 political subdivision thereof, reasonable attorneys' fees, all
15 nonattorney fee costs as defined by RCW 4.84.010, and all reasonable
16 expert witness fees, including all such reasonable fees and costs
17 incurred before filing the action.

18 (2)(a) A prevailing plaintiff does not need to achieve relief or
19 favorable judgment if the plaintiff demonstrates that they succeeded
20 in altering the political subdivision's behavior to correct a claimed
21 harm.

22 (b) For purposes of this section, "altering the political
23 subdivision's behavior" includes, but is not limited to, adopting a
24 new method of electing a governing body, modifying district
25 boundaries, or (~~amending a voting rule or qualification~~) modifying
26 an election policy or practice.

27 (3) Prevailing defendants may recover an award of fees or costs
28 pursuant to RCW 4.84.185.

29 NEW SECTION. **Sec. 14.** RCW 29A.92.020 (Method of election—Equal
30 opportunity for protected class) and 2018 c 113 s 104 are each
31 repealed.

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