

CHAPTER 129

[Substitute House Bill No. 75]
ELECTIONS—PRECINCTS AND DISTRICTS

AN ACT Relating to elections; amending section 29.04.040, chapter 9, Laws of 1965 as amended by section 1, chapter 109, Laws of 1967 ex. sess. and RCW 29.04.040; amending section 29.04.050, chapter 9, Laws of 1965 and RCW 29.04.050; adding new sections to chapter 9, Laws of 1965 and to chapter 29.04 RCW; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 9, Laws of 1965 and to chapter 29.04 RCW a new section to read as follows:

(1) Each county auditor shall prepare and maintain a current and suitable map of the county and of each city or town therein clearly delineating the geographical boundaries of each precinct contained in the county and of the legislative and congressional districts in which each precinct is contained. A description of the geographical boundaries of such precincts and districts shall be attached to each map.

(2) On or before February 1, 1977, each county auditor shall send three copies of each current map with its descriptions to the secretary of state, and one copy to the clerk of each affected city or town. Within thirty days after any changes in precinct or district boundaries, the county auditor shall file revised maps and descriptions in the same manner and number.

(3) Such maps and descriptions shall be public records and shall be available for inspection by the public in the offices wherein they are kept during normal office hours. Copies shall be made available to the public for a fee necessary to cover the cost of reproduction.

NEW SECTION. Sec. 2. There is added to chapter 9, Laws of 1965 and to chapter 29.04 RCW a new section to read as follows:

(1) With regard to functions relating to census, apportionment, and the establishment of legislative and congressional districts, the secretary of state shall:

(a) Promulgate rules pursuant to chapter 34.04 RCW governing the preparation, maintenance, distribution, and filing of maps prepared pursuant to section 1 of this 1976 amendatory act;

(b) Coordinate and monitor mapping functions of the county auditors and county engineers;

(c) Maintain official state base maps and maintain an index of all available maps;

(d) Furnish to the United States bureau of the census as needed for the decennial census of population, current, accurate, and easily readable versions of maps of all counties, cities, towns, and other areas of this state, which shall show any streets, highways, railroads, and other physical boundaries, and shall indicate precinct boundaries.

(2) The secretary of state shall serve as the state liaison with the United States bureau of census on matters relating to the preparation of maps and the tabulation of population for apportionment purposes.

Sec. 3. Section 29.04.040, chapter 9, Laws of 1965 as amended by section 1, chapter 109, Laws of 1967 ex. sess. and RCW 29.04.040 are each amended to read as follows:

(1) No paper ballot precinct shall contain more than three hundred voters. If at any election three hundred or more votes are cast at any such voting place, the secretary of state as ex officio chief election officer, shall report that fact to the city council, if it is a precinct lying within a first class city or to the ~~((board of county commissioners))~~ county legislative authority if it is any other precinct. The city council of the first class city or the ~~((board of county commissioners;))~~ county legislative authority as the case may be, shall divide, alter, or combine precincts so that, whenever practicable such over populated precincts shall contain no more than two hundred fifty registered voters in anticipation of future growth, subject to the requirements and limitations of subsection (2) of this section.

(2) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored: PROVIDED, HOWEVER, That no precinct boundaries shall be changed during the period starting as of the thirtieth day prior to the first day for candidates to file for the September primary election and ending with the day of the November general election held in the even-numbered years: PROVIDED FURTHER, That no precinct boundaries shall be changed nor shall any precinct be created, divided, abolished, or consolidated during the period between February 1st of any year whose last digit is seven and December 1st of any year whose last digit is one, except whose boundaries are changed due to annexation or detachment.

(3) Precincts in which voting machines or electronic voting devices are used may contain as many as nine hundred registered voters, subject to the requirements and limitations of subsection (2) of this section: PROVIDED, That the counties shall make such changes in the size of the precincts in anticipation of future growth, subject to the requirements and limitations of subsection (2) of this section: PROVIDED FURTHER, That there shall be at least one voting machine or device for each three hundred registered voters or major fraction thereof.

(4) Each county auditor, when reporting the official election returns to the secretary of state as provided by RCW 29.62.090, shall indicate in such report which precincts are voted by paper ballots, ~~((or))~~ by voting machines, or by voting devices. In the instance of a voting machine or voting device precinct, the county auditor shall also indicate the number of such machines or devices used so that the secretary of state will be able to determine that the requirements of this section are being honored.

On petition of ten or more voters resident more than ten miles from any place of election, the board of county commissioners shall establish a separate voting precinct therefor, subject to the requirements and limitations of subsection (2) of this section.

The ~~((board of county commissioners))~~ county legislative authority of each county in the state hereafter formed shall, at their first session, divide their respective counties into election precincts with two hundred fifty voters or less and establish the boundaries of the same; the county auditor shall thereupon designate the voting place for each such precinct.

***Sec. 4. Section 29.04.050, chapter 9, Laws of 1965 and RCW 29.04.050 are each amended to read as follows:**

(1) Every voting precinct must be established so that it is composed, as nearly as practicable, of contiguous and compact areas having physically defined boundaries clearly observable, and lies wholly within one senatorial or representative district and wholly within one county commissioner district.

(2) Every voting precinct within each county shall be designated consecutively by number for the purpose of preparation of maps and the tabulation of population for apportionment purposes. The county auditor may name precincts as he deems necessary for other purposes.

***Sec. 4. was vetoed, see message at end of chapter.**

NEW SECTION. Sec. 5. This 1976 amendatory act shall take effect on February 1, 1977.

NEW SECTION. Sec. 6. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House March 23, 1976.

Passed the Senate March 22, 1976.

Approved by the Governor April 19, 1976 with the exception of section 4 which is vetoed.

Filed in Office of Secretary of State April 19, 1976.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section Substitute House Bill No. 75 entitled:

"AN ACT Relating to elections."

Section 4 of the bill requires precinct boundaries to be established along clearly identifiable physical boundaries.

At the present time, precinct boundaries are set, to the greatest extent possible, along the lines of school district boundaries and the boundaries of other such taxing districts. Such boundaries eliminate, or greatly reduce, the incidence of "split precincts" where a precinct contains two or more voting jurisdictions, each of which impacts some, but not all of the voters in that precinct. Present boundaries do not necessarily follow clear physical boundaries. To require a change from the present system with no consideration of the problems of splitting precincts would create unnecessary confusion for voters and could result in serious disruptions of the election process.

I recognize that there are distinct advantages to setting precinct boundaries according to identifiable physical boundaries for census and redistricting purposes. I believe, however, that before the Legislature passes this requirement into law, care should be taken to minimize adverse consequences by consultation with state and local election officials.

With the exception of section 4, which I have vetoed for the foregoing reasons, the remainder of Substitute House Bill No. 75 is approved."