

## CHAPTER 16

[Engrossed Substitute Senate Bill No. 3112]  
 REDISTRICTING COMMISSION—REAPPORTIONMENT  
 RESPONSIBILITIES—LOCAL GOVERNMENT DUTIES

AN AC: Relating to reapportionment and redistricting; amending section 27, chapter 2, Laws of 1982 and RCW 29.70.100; creating a new chapter in Title 44 RCW; repealing section 18, chapter 2, Laws of 1982 and RCW 29.70.010; repealing section 19, chapter 2, Laws of 1982 and RCW 29.70.020; repealing section 20, chapter 2, Laws of 1982 and RCW 29.70.030; repealing section 21, chapter 2, Laws of 1982 and RCW 29.70.040; repealing section 22, chapter 2, Laws of 1982 and RCW 29.70.050; repealing section 23, chapter 2, Laws of 1982 and RCW 29.70.060; repealing section 24, chapter 2, Laws of 1982 and RCW 29.70.070; repealing section 25, chapter 2, Laws of 1982 and RCW 29.70.080; repealing section 26, chapter 2, Laws of 1982 and RCW 29.70.090; repealing section 28, chapter 2, Laws of 1982 and RCW 29.70.110; repealing section 29, chapter 2, Laws of 1982 and RCW 29.70.120; repealing section 30, chapter 2, Laws of 1982 and RCW 29.70.130; repealing section 31, chapter 2, Laws of 1982 and RCW 29.70.900; repealing section 33, chapter 2, Laws of 1982 and RCW 29.70.910; and providing for a contingent effect.

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

NEW SECTION. Sec. 1. This act may be cited as the Washington State Redistricting Act.

NEW SECTION. Sec. 2. The definitions set forth in this section apply throughout this chapter, unless the context requires otherwise.

(1) "Chief election officer" means the secretary of state.

(2) "Federal census" means the decennial census required by federal law to be prepared by the United States bureau of the census in each year ending in zero.

(3) "Lobbyist" means an individual required to register with the Washington public disclosure commission pursuant to RCW 42.17.150.

(4) "Plan" means a plan for legislative and congressional redistricting mandated by Article II, section ... of the state Constitution.

NEW SECTION. Sec. 3. A redistricting commission shall be established in January of each year ending in one to accomplish state legislative and congressional redistricting. The five-member commission shall be appointed as follows:

(1) Each legislative leader of the two largest political parties in each house of the legislature shall appoint one voting member to the commission by January 15th of each year ending in one.

(2) The four legislators appointing commission members pursuant to this section shall certify their appointments to the chief election officer. If an appointing legislator does not certify an appointment by January 15th of each year ending in one, within five days the supreme court shall certify an appointment to the chief election officer.

(3) No later than January 31st of the year of their selection, the four appointed members, by an affirmative vote of at least three, shall appoint

and certify to the chief election officer the nonvoting fifth member who shall act as the commission's chairperson. A vacancy on the commission shall be filled by the person who made the initial appointment, or their successor, within fifteen days after the vacancy occurs.

NEW SECTION. Sec. 4. Before serving on the commission every person shall take and subscribe an oath to faithfully perform the duties of that office. The oath shall be filed in the office of the secretary of state.

NEW SECTION. Sec. 5. No person may serve on the commission who:

- (1) Is not a registered voter of the state at the time of selection; or
- (2) Is or has within one year prior to selection been a registered lobbyist; or
- (3) Is or has within six years prior to selection been an elected official.

NEW SECTION. Sec. 6. No member of the commission may:

- (1) Campaign for elective office while a member of the commission; or
- (2) Actively participate in or contribute to any political campaign of any candidate for state or federal elective office while a member of the commission.

NEW SECTION. Sec. 7. (1) The commission may employ the services of experts, consultants, and support staff, including attorneys not employed by the attorney general, as necessary to carry out its duties pursuant to this chapter.

(2) The chief election officer, the treasurer, and the attorney general shall make available to the commission such personnel, facilities, and other assistance as the commission may reasonably request. The chief election officer shall be the official recipient of all provisional and preliminary census data and maps, and shall forward such data and maps, upon request, to the commission.

(3) The commission, upon written request by a witness and subject to rules promulgated by the commission, may reimburse witnesses for their necessary expenses incurred in appearing before the commission.

(4) The legislature shall appropriate funds to enable the commission to carry out its duties. Members shall receive one hundred dollars of compensation for each day spent in the performance of their duties. Compensation of employees shall be determined by the commission. The provisions of RCW 43.03.050 and 43.03.060 shall apply to both the members and the employees of the commission.

NEW SECTION. Sec. 8. In addition to other duties prescribed by law, the commission shall:

(1) Adopt rules pursuant to the Administrative Procedure Act, chapter 34.04 RCW, to carry out the provisions of Article II, section \_\_ of the state Constitution and of this chapter, which rules shall provide that three voting members of the commission constitute a quorum to do business, and that

the votes of three of the voting members are required for any official action of the commission;

(2) Act as the legislature's recipient of the final redistricting data and maps from the United States Bureau of the Census;

(3) Comply with requirements to disclose and preserve public records as specified in chapters 40.14 and 42.17 RCW;

(4) Hold open meetings pursuant to the open public meetings act, chapter 42.30 RCW;

(5) Prepare and disclose its minutes pursuant to RCW 42.32.030;

(6) Be subject to the provisions of RCW 42.17.240;

(7) Prepare and publish a report with the plan; the report will be made available to the public at the time the plan is published. The report will include but will not be limited to: (a) The population and percentage deviation from the average district population for every district; (b) an explanation of the criteria used in developing the plan with a justification of any deviation in a district from the average district population; (c) a map of all the districts; and (d) the estimated cost incurred by the counties for adjusting precinct boundaries.

NEW SECTION. Sec. 9. In the redistricting plan:

(1) Districts shall have a population as nearly equal as is practicable, excluding nonresident military personnel, based on the population reported in the federal decennial census.

(2) To the extent consistent with subsection (1) of this section the commission plan should, insofar as practical, accomplish the following:

(a) District lines should be drawn so as to coincide with the boundaries of local political subdivisions and areas recognized as communities of interest. The number of counties and municipalities divided among more than one district should be as small as possible;

(b) Districts should be composed of convenient, contiguous, and compact territory. Land areas may be deemed contiguous if they share a common land border or are connected by a ferry, highway, bridge, or tunnel. Areas separated by geographical boundaries or artificial barriers that prevent transportation within a district should not be deemed contiguous; and

(c) Whenever practicable, a precinct shall be wholly within a single legislative district.

(3) In accordance with the provisions of Article II, section 6 of the state Constitution, representative districts shall be uniformly established so that if a senatorial district is divided in the formation of representative districts, all senatorial districts shall be so divided.

(4) The commission's plan shall not provide for a number of legislative districts different than that established by the legislature.

(5) The commission shall exercise its powers to provide fair and effective representation and to encourage electoral competition. The commission's

plan shall not be drawn purposely to favor or discriminate against any political party or group.

**NEW SECTION.** Sec. 10. (1) Upon approval of a redistricting plan by three of the voting members of the commission, but not later than January 1st of the year ending in two, the commission shall submit the plan to the legislature.

(2) After submission of the plan by the commission, the legislature shall have the next thirty days during any regular or special session to amend the commission's plan. If the legislature amends the commission's plan the legislature's amendment must be approved by an affirmative vote in each house of two-thirds of the members elected or appointed thereto, and may not include more than two percent of the population of any legislative or congressional district.

(3) The plan approved by the commission, with any amendment approved by the legislature, shall be final upon approval of such amendment or after expiration of the time provided for legislative amendment by subsection (2) of this section whichever occurs first, and shall constitute the districting law applicable to this state for legislative and congressional elections, beginning with the next elections held in the year ending in two. This plan shall be in force until the effective date of the plan based upon the next succeeding federal decennial census or until a modified plan takes effect as provided in section 12(6) of this act.

(4) If three of the voting members of the commission fail to approve and submit a plan within the time limitations provided in subsection (1) of this section, the supreme court shall adopt a plan by March 1st of the year ending in two. Any such plan approved by the court is final and constitutes the districting law applicable to this state for legislative and congressional elections, beginning with the next election held in the year ending in two. This plan shall be in force until the effective date of the plan based on the next succeeding federal decennial census or until a modified plan takes effect as provided in section 12(6) of this act.

**NEW SECTION.** Sec. 11. (1) Following the period provided by section 10(1) of this act for the commission's adoption of a plan, the commission shall take all necessary steps to conclude its business and cease operations. The commission shall prepare a financial statement disclosing all expenditures made by the commission. The official record shall contain all relevant information developed by the commission pursuant to carrying out its duties under this chapter, maps, data collected, minutes of meetings, written communications, and other information of a similar nature. Once the commission ceases to exist, the chief election officer shall be the custodian of the official record for purposes of reprecincting and election administration. The chief election officer shall provide for the permanent preservation of this official record pursuant to chapter 42.17 RCW and Title 40 RCW. Once the

commission ceases to exist any budget surplus shall revert to the state general fund.

(2) Except as provided in section 12 of this act for a reconvened commission, the commission shall cease to exist on July 1st of each year ending in two unless the supreme court extends the commission's term.

NEW SECTION. Sec. 12. (1) If a commission has ceased to exist, the legislature may, upon an affirmative vote in each house of two-thirds of the members elected or appointed thereto, adopt legislation reconvening the commission for the purpose of modifying the redistricting plan.

(2) Section 5 of this act governs the eligibility of persons to serve on the reconvened commission. A vacancy involving a voting member of the reconvened commission shall be filled by the person who made the initial appointment, or their successor, within fifteen days after the effective date of the legislation reconvening the commission. A vacancy involving the non-voting member of the commission shall be filled by an affirmative vote of at least three of four voting members, within fifteen days after all other vacancies are filled or, if no other vacancies exist, within fifteen days after the effective date of the legislation reconvening the commission. A subsequent vacancy on a reconvened commission shall be filled by the person or persons who made the initial appointment, or their successor, within fifteen days after the vacancy occurs. If any appointing authority fails to make a required appointment within the time limitations established by this subsection, within five days after that date the supreme court shall make the required appointment.

(3) The provisions of sections 7 and 8 of this act are applicable if a commission is reconvened under this section.

(4) The commission shall complete the modification to the redistricting plan as soon as possible, but no later than sixty days after the effective date of the legislation reconvening the commission. At least three of the voting members shall approve the modification to the redistricting plan.

(5) Following approval of a modification to the redistricting plan by the commission, the legislature has the next thirty days during any regular or special session to amend the commission's modification. Any amendment by the legislature must be approved by an affirmative vote in each house of two-thirds of the members elected or appointed thereto. No amendment by the legislature may include more than two percent of the population of any legislative or congressional district contained in the commission's modification.

(6) The commission's modification to the redistricting plan, with any amendments approved by the legislature, shall be final upon approval of the amendments or after expiration of the time provided for legislative amendment by subsection (5) of this section, whichever occurs first.

(7) Following the period provided by subsection (4) of this section for the commission's approval of a modification to the redistricting plan, the

commission shall take all necessary steps to conclude its business and cease operations in accordance with section 11(1) of this act. A reconvened commission shall cease to exist ninety days after the effective date of the legislation reconvening the commission, unless the supreme court extends the commission's term.

NEW SECTION. Sec. 13. After the plan takes effect as provided in section 10 of this act, any registered voter may file a petition with the supreme court challenging the plan. After a modification to the redistricting plan takes effect as provided in section 12 of this act, any registered voter may file a petition with the supreme court challenging the amended plan. The court may consolidate any or all petitions and shall give all such petitions precedence over all other matters.

NEW SECTION. Sec. 14. Sections 1 through 13 of this act shall constitute a new chapter in Title 44 RCW.

Sec. 15. Section 27, chapter 2, Laws of 1982 and RCW 29.70.100 are each amended to read as follows:

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

(2) Within forty-five days after ~~((its))~~ receipt of federal decennial census information applicable to ~~((the))~~ a specific local area, the commission ~~((or the secretary of state))~~ established in section 3 of this act shall forward the census information to each ~~((local government and))~~ municipal corporation charged with redistricting under this ~~((chapter))~~ section.

(3) No later than eight months after its receipt of federal decennial census data, the governing body of the municipal corporation shall prepare a plan for redistricting its internal or director districts.

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

(a) Each internal director district shall be as nearly equal in population as possible to each and every other internal director district comprising the municipal corporation.

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

(c) Each district shall ~~((be comprised))~~ consist of geographically contiguous area.

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

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

(5) During the adoption of its plan, the municipal corporation shall ensure that full and reasonable public notice of its actions is provided. The municipal corporation shall hold at least one public hearing on the redistricting plan at least one week before adoption of the plan.

(6)(a) (~~(An elected official)~~) Any registered voter residing in an area affected by the municipal corporation's redistricting plan may request review of the adopted local plan by the (~~(voting boundary commission)~~) superior court of the county in which he or she resides, within forty-five days of the plan's adoption. Any request for review must specify the reason or reasons alleged why the local plan is not consistent with the applicable redistricting criteria. The municipal corporation may be joined as respondent. The (~~(voting boundary commission)~~) superior court shall thereupon review the challenged plan for compliance with the applicable redistricting criteria set out in (~~(RCW 29.70.030 and)~~) subsection (4) of this section.

(b) If (~~(, within thirty days of submission of a local government plan, the commission)~~) the superior court finds the plan to be consistent with the requirements of this (~~(chapter or the commission fails to find that the plan is not consistent with the requirements of this chapter, the secretary of state shall certify the plan. A certified)~~) section, the plan shall take effect (~~(ten days after certification)~~) immediately.

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

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

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

- (1) Section 18, chapter 2, Laws of 1982 and RCW 29.70.010;
- (2) Section 19, chapter 2, Laws of 1982 and RCW 29.70.020;
- (3) Section 20, chapter 2, Laws of 1982 and RCW 29.70.030;
- (4) Section 21, chapter 2, Laws of 1982 and RCW 29.70.040;
- (5) Section 22, chapter 2, Laws of 1982 and RCW 29.70.050;
- (6) Section 23, chapter 2, Laws of 1982 and RCW 29.70.060;
- (7) Section 24, chapter 2, Laws of 1982 and RCW 29.70.070;
- (8) Section 25, chapter 2, Laws of 1982 and RCW 29.70.080;
- (9) Section 26, chapter 2, Laws of 1982 and RCW 29.70.090;
- (10) Section 28, chapter 2, Laws of 1982 and RCW 29.70.110;
- (11) Section 29, chapter 2, Laws of 1982 and RCW 29.70.120;
- (12) Section 30, chapter 2, Laws of 1982 and RCW 29.70.130;
- (13) Section 31, chapter 2, Laws of 1982 and RCW 29.70.900; and

(14) Section 33, chapter 2, Laws of 1982 and RCW 29.70.910.

NEW SECTION. Sec. 17. If any provision of this 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.

NEW SECTION. Sec. 18. This act shall take effect if the proposed amendment to Article II of the state Constitution establishing a commission for state legislative and congressional redistricting is validly submitted to and is approved and ratified by the voters at a general election held in November, 1983. If the proposed amendment is not so approved and ratified, this act shall be null and void in its entirety.

Passed the Senate March 22, 1983.

Passed the House March 18, 1983.

Approved by the Governor March 29, 1983.

Filed in Office of Secretary of State March 29, 1983.

## CHAPTER 17

[Substitute House Bill No. 1038]

### CONGRESSIONAL REDISTRICTING

AN ACT Relating to congressional redistricting; creating a new chapter in Title 29 RCW; repealing section 1, chapter 2, Laws of 1982 and RCW 29.69.001; repealing section 2, chapter 2, Laws of 1982 and RCW 29.69.002; repealing section 3, chapter 2, Laws of 1982 and RCW 29.69.003; repealing section 4, chapter 2, Laws of 1982 and RCW 29.69.004; repealing section 5, chapter 2, Laws of 1982 and RCW 29.69.005; repealing section 6, chapter 2, Laws of 1982 and RCW 29.69.006; repealing section 7, chapter 2, Laws of 1982 and RCW 29.69.007; repealing section 8, chapter 2, Laws of 1982 and RCW 29.69.010; repealing section 9, chapter 2, Laws of 1982 and RCW 29.69.020; repealing section 10, chapter 2, Laws of 1982 and RCW 29.69.030; repealing section 11, chapter 2, Laws of 1982 and RCW 29.69.040; repealing section 12, chapter 2, Laws of 1982 and RCW 29.69.050; repealing section 13, chapter 2, Laws of 1982 and RCW 29.69.060; repealing section 14, chapter 2, Laws of 1982 and RCW 29.69.070; repealing section 15, chapter 2, Laws of 1982 and RCW 29.69.080; repealing section 16, chapter 2, Laws of 1982 and RCW 29.69.900; and declaring an emergency.

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

NEW SECTION. Sec. 1. The congressional districts described in this chapter comply with the provisions of section 8, chapter 6, Laws of 1983. In every case the population of the congressional districts described in this chapter has been ascertained on the basis of the total number of persons found inhabiting such areas as of April 1, 1980, under the 1980 federal decennial census. The legislature hereby declares that no practical means have been found to more accurately determine the population inhabiting such areas other than through the 1980 federal decennial census data.

NEW SECTION. Sec. 2. (1) Any area not specifically included within the boundaries of any of the districts as described in this chapter and that is