
SECOND SUBSTITUTE HOUSE BILL 1745

State of Washington**64th Legislature****2016 Regular Session**

By House State Government (originally sponsored by Representatives Moscoso, Bergquist, S. Hunt, Haler, Orwall, Sawyer, Stanford, Walkinshaw, Appleton, Reykdal, Fitzgibbon, Tharinger, Fey, Jenkins, Wylie, Goodman, Ormsby, Farrell, Riccelli, Sells, Hudgins, Lytton, McBride, and Santos)

1 AN ACT Relating to establishing a voting rights act to promote
2 equal voting opportunity in certain political subdivisions by
3 authorizing district-based elections, requiring redistricting and new
4 elections in certain circumstances, and establishing a cause of
5 action to redress lack of voter opportunity; amending RCW 36.32.020,
6 53.12.010, 54.12.010, and 29A.76.010; adding a new section to chapter
7 28A.343 RCW; adding a new section to chapter 35.21 RCW; adding a new
8 section to chapter 35A.21 RCW; adding a new section to chapter 52.14
9 RCW; and adding a new chapter to Title 29A RCW.

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

11 NEW SECTION. **Sec. 1.** This act may be known and cited as the
12 Washington voting rights act of 2016.

13 NEW SECTION. **Sec. 2.** It is the intent of the legislature to
14 create and encourage the use of a flexible and collaborative process
15 between political subdivisions and individuals concerned with
16 electoral fairness, in order to remedy potential electoral issues
17 defined in this act without resorting to expensive litigation. The
18 legislature intends that in order to avoid litigation: (1) Political
19 subdivisions review their electoral systems and consider voluntarily
20 changing them to address electoral issues; (2) political subdivisions

1 voluntarily adopt electoral changes proposed by individuals concerned
2 with electoral fairness to address electoral issues; or (3) political
3 subdivisions and individuals concerned with electoral fairness
4 collaborate to define and agree upon electoral changes to address
5 electoral issues that are then voluntarily adopted by political
6 subdivisions. The legislature intends that political subdivisions and
7 individuals concerned with electoral fairness consider all of the
8 foregoing courses of action prior to any litigation being filed, and
9 that any political subdivision adopting any one of the foregoing
10 courses of action in accordance with the provisions of this act,
11 receive four years of safe harbor from litigation.

12 NEW SECTION. **Sec. 3.** The definitions in this section apply
13 throughout this chapter unless the context clearly requires
14 otherwise. In applying these definitions and other terms in this
15 chapter, courts may rely on relevant federal case law for guidance.

16 (1) "At-large method of election" means any of the following
17 methods of electing members of the governing body of a political
18 subdivision:

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

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

24 (c) One that combines the criteria in (a) and (b) of this
25 subsection.

26 (2) "District-based elections" means a method of electing members
27 to the governing body of a political subdivision in which the
28 candidate must reside within an election district that is a divisible
29 part of the political subdivision and is elected only by voters
30 residing within that election district.

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

36 (4) "Political subdivision" means any county, city, town, school
37 district, fire protection district, port district, or public utility
38 district, but does not include the state.

1 (5) "Protected class" means a class of voters who are members of
2 a race, color, or language minority group.

3 NEW SECTION. **Sec. 4.** (1) A political subdivision is in
4 violation of this section when it is shown that:

5 (a) Elections in the political subdivision exhibit polarized
6 voting; and

7 (b) Members of a protected class do not have an equal opportunity
8 to elect candidates of their choice or an equal opportunity to
9 influence the outcome of an election.

10 (2) The fact that members of a protected class are not
11 geographically compact or concentrated to constitute a majority in a
12 proposed or existing district-based election district shall not
13 preclude a finding of a violation under this section.

14 (3) In determining whether there is polarized voting under this
15 section, the court shall analyze elections of the governing body of
16 the political subdivision, ballot measure elections, elections in
17 which at least one candidate is a member of a protected class, and
18 other electoral choices that affect the rights and privileges of
19 members of a protected class. Only elections conducted prior to the
20 filing of an action pursuant to this chapter shall be used to
21 establish or rebut the existence of polarized voting.

22 (4) The election of candidates who are members of a protected
23 class and who were elected prior to the filing of an action pursuant
24 to this chapter shall not preclude a finding of polarized voting that
25 results in an unequal opportunity for a protected class to elect
26 candidates of their choice or influence the outcome of an election.

27 NEW SECTION. **Sec. 5.** (1) Members of different protected classes
28 may file an action jointly pursuant to this chapter if they
29 demonstrate that their combined voting preferences as a group are
30 different from the rest of the electorate and demonstrate that there
31 is polarized voting that results in an unequal opportunity for these
32 protected classes to elect candidates of their choice or influence
33 the outcome of an election.

34 (2) In an action filed pursuant to this section, the trial court
35 shall set a trial to be held no later than one year after the filing
36 of a complaint, and shall set a discovery and motions calendar
37 accordingly.

1 (3) Proof of intent on the part of the voters or elected
2 officials to discriminate against a protected class is not required
3 for a cause of action to be sustained.

4 (4) For purposes of any applicable statute of limitations, a
5 cause of action under this section arises every time there is an
6 election pursuant to an at-large method of election or a district-
7 based election.

8 (5) The plaintiff's constitutional right to the secrecy of the
9 plaintiff's vote is preserved and is not waived by the filing of an
10 action pursuant to this section, and is not subject to discovery or
11 disclosure.

12 (6) In seeking a temporary restraining order or a preliminary
13 injunction, a plaintiff shall not be required to post a bond or any
14 other security in order to secure such equitable relief.

15 (7) No action may be filed pursuant to this act before January
16 15, 2017.

17 NEW SECTION. **Sec. 6.** (1) A political subdivision that conducts
18 an election pursuant to state, county, or local law, is authorized to
19 change its electoral system including, but not limited to,
20 implementing a district-based election system to remedy a potential
21 violation of section 4 of this act. If a political subdivision
22 invokes its authority under this section to implement a district-
23 based election system, the districts shall be drawn in a manner
24 consistent with section 7 of this act.

25 (2) If a political subdivision implements a district-based
26 election system, the plan shall be consistent with the following
27 criteria:

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

31 (b) Each district shall be reasonably compact.

32 (c) Each district shall consist of geographically contiguous
33 area.

34 (d) To the extent feasible, the district boundaries shall
35 coincide with existing recognized natural boundaries and shall, to
36 the extent possible, preserve existing communities of related and
37 mutual interest.

38 (e) District boundaries may not be drawn or maintained in a
39 manner that denies a protected class an equal opportunity to elect

1 candidates of its choice or an equal opportunity to influence the
2 outcome of an election.

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

8 (4)(a) If the political subdivision invokes its authority under
9 this section and the plan is adopted during the period of time
10 between the first Tuesday after the first Monday of November and on
11 or before January 15th of the following year, the political
12 subdivision shall order new elections to occur at the next succeeding
13 general election.

14 (b) If the political subdivision invokes its authority under this
15 section and the plan is adopted during the period of time between
16 January 16th and on or before the first Monday of November, the next
17 election will occur as scheduled and organized under the current
18 electoral system, but the political subdivision shall order new
19 elections to occur pursuant to the remedy at the general election the
20 following calendar year.

21 (c) All of the positions that were elected pursuant to the
22 previous electoral system and have at least two years remaining in
23 their terms of office from the date the plan was adopted shall be
24 subject to new elections, pursuant to the adopted plan, in order to
25 continue their term of office.

26 (5) Within forty-five days after receipt of federal decennial
27 census information applicable to a specific local area, the
28 commission established in RCW 44.05.030 shall forward the census
29 information to each political subdivision that has invoked its
30 authority under this section to implement a district-based election
31 system, or that is charged with redistricting under section 7 of this
32 act.

33 (6) No later than eight months after its receipt of federal
34 decennial census data, the governing body of the political
35 subdivision that had previously invoked its authority under this
36 section to implement a district-based election system, or that was
37 previously charged with redistricting under section 7 of this act,
38 shall prepare a plan for redistricting its districts, pursuant to RCW
39 29A.76.010, and in a manner consistent with this act.

1 NEW SECTION. **Sec. 7.** (1) Upon a finding of a violation of
2 section 4 of this act, the court shall order appropriate remedies
3 that are tailored to remedy the violation. The remedies may include,
4 but are not limited to, the imposition of a district-based election
5 system. The court may order the affected jurisdiction to draw or
6 redraw district boundaries or appoint an individual or panel to draw
7 or redraw district lines. The proposed districts must be approved by
8 the court prior to their implementation.

9 (2) Implementation of a district-based remedy is not precluded by
10 the fact that members of a protected class do not constitute a
11 numerical majority within a proposed district-based election
12 district. If, in tailoring a remedy, the court orders the
13 implementation of a district-based election district where the
14 members of the protected class are not a numerical majority, the
15 court shall do so in a manner that provides the protected class an
16 equal opportunity to elect candidates of their choice or an equal
17 opportunity to influence the outcome of an election.

18 (3) In tailoring a remedy after a finding of a violation of
19 section 4 of this act:

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

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

36 (c) All of the positions that were elected pursuant to the at-
37 large or district-based election system that was the subject of the
38 action filed pursuant to this chapter and have at least two years
39 remaining in their terms of office from the date the plan was
40 adopted, including those elected pursuant to (b) of this subsection,

1 shall be subject to new elections, pursuant to the remedy implemented
2 under subsection (1) of this section.

3 NEW SECTION. **Sec. 8.** (1) In any action to enforce this chapter,
4 the court may allow the prevailing plaintiff or plaintiffs, other
5 than the state or political subdivision thereof, reasonable
6 attorneys' fees, all nonattorney fee costs as defined by RCW
7 4.84.010, and all reasonable expert witness fees. No fees or costs
8 may be awarded if no action is filed.

9 (2) Prevailing defendants may recover an award of fees or costs
10 pursuant to RCW 4.84.185.

11 NEW SECTION. **Sec. 9.** Any voter who is a member of a protected
12 class and who resides in a political subdivision where a violation of
13 section 4 of this act is alleged may file an action in the superior
14 court of the county in which the political subdivision is located. If
15 the action is against a county, the action may be filed in the
16 superior court of such county, or in the superior court of either of
17 the two nearest judicial districts as determined pursuant to RCW
18 36.01.050(2). An action filed pursuant to this chapter does not need
19 to be filed as a class action.

20 NEW SECTION. **Sec. 10.** (1) Prior to filing an action pursuant to
21 this act, a person shall first notify the political subdivision that
22 he or she intends to challenge the political subdivision's electoral
23 system under this act. If the political subdivision does not invoke
24 its authority under section 6 of this act to implement the person's
25 proposed remedy within one hundred eighty days after receiving
26 notice, any person may file an action under this act.

27 (2) The notice provided shall identify the person or persons who
28 intend to file an action, and the protected class or classes whose
29 members do not have an equal opportunity to elect candidates of their
30 choice or an equal opportunity to influence the outcome of an
31 election. The notice shall also include a reasonable analysis of the
32 person's data concerning the alleged vote dilution and polarized
33 voting, and a proposed remedy or remedies, based on that data, which
34 would address the alleged violation of section 4 of this act.

35 (3) If, within one hundred eighty days after receiving a person's
36 notice, a political subdivision receives another notice containing a
37 materially different proposed remedy than the first notice, the

1 political subdivision shall have an additional ninety days from the
2 date of this subsequent notice before an action may be filed under
3 this act.

4 (4) The political subdivision shall work in good faith with the
5 person providing the notice to implement a remedy that provides the
6 protected class or classes identified in the notice an equal
7 opportunity to elect candidates of their choice or influence the
8 outcome of an election.

9 (5) If, after considering the person's notice, the political
10 subdivision adopts the proposed remedy offered by the person in the
11 notice, an action under this act by any person may not be brought
12 against that political subdivision for four years; provided, however,
13 that the political subdivision does not enact a change to or
14 deviation from the remedy during this four-year period that would
15 otherwise give rise to an action under this act. In agreeing to adopt
16 the person's proposed remedy, the political subdivision may do so by
17 stipulation, which shall become a public document.

18 (6) Should the political subdivision adopt a different remedy
19 that takes the notice into account, the political subdivision may
20 seek a court order acknowledging that the political subdivision's
21 remedy complies with section 4 of this act. The person who submitted
22 the notice may support or oppose such an order. If the court
23 concludes that the political subdivision's remedy complies with
24 section 4 of this act, an action under this act by any party may not
25 be brought against that political subdivision for four years;
26 provided, however, that the political subdivision does not enact a
27 change to or deviation from the remedy during this four-year period
28 that would otherwise give rise to an action under this act.

29 (7) If a political subdivision has received two or more notices
30 containing materially different proposed remedies, the political
31 subdivision shall work in good faith with the persons to implement a
32 remedy that provides the protected class or classes identified in the
33 notices an equal opportunity to elect candidates of their choice or
34 influence the outcome of an election. Should the political
35 subdivision adopt one of the remedies offered, or a different remedy
36 that takes multiple notices into account, the political subdivision
37 may seek a court order acknowledging that the political subdivision's
38 remedy complies with section 4 of this act. The persons who submitted
39 notices may support or oppose such an order. If the court concludes
40 that the political subdivision's remedy complies with section 4 of

1 this act, an action under this act by any party may not be brought
2 against that political subdivision for four years; provided, however,
3 that the political subdivision does not enact a change to or
4 deviation from the remedy during this four-year period that would
5 otherwise give rise to an action under this act.

6 NEW SECTION. **Sec. 11.** If, after an action is filed, the
7 political subdivision adopts the person's proposed remedy, or a
8 court-ordered remedy, an action under this act by any party may not
9 be brought against that political subdivision for four years;
10 provided, however, that the political subdivision does not enact a
11 change to or deviation from the remedy during this four-year period
12 that would otherwise give rise to an action under this act.

13 NEW SECTION. **Sec. 12.** The provisions of this act are not
14 applicable to cities and towns with populations under one thousand or
15 to school districts with K-12 full-time equivalent enrollments of
16 less than two hundred fifty.

17 NEW SECTION. **Sec. 13.** A new section is added to chapter 28A.343
18 RCW to read as follows:

19 The school board of directors may authorize a change to a
20 district-based election as defined in section 3(2) of this act, such
21 districts to be drawn in a manner consistent with sections 6 and 7 of
22 this act. The school board of directors shall order new elections to
23 be scheduled pursuant to section 6(4) of this act. The staggering of
24 directors' terms shall be accomplished as provided in RCW 28A.343.030
25 and 28A.343.620 through 28A.343.650.

26 **Sec. 14.** RCW 36.32.020 and 1982 c 226 s 4 are each amended to
27 read as follows:

28 The board of county commissioners of each county shall divide
29 their county into three commissioner districts so that each district
30 shall comprise as nearly as possible one-third of the population of
31 the county: PROVIDED, That the territory comprised in any voting
32 precincts of such districts shall remain compact, and shall not be
33 divided by the lines of said districts.

34 However, the commissioners of any county composed entirely of
35 islands and with a population of less than thirty-five thousand may
36 divide their county into three commissioner districts without regard

1 to population, except that if any single island is included in more
2 than one district, the districts on such island shall comprise, as
3 nearly as possible, equal populations.

4 Except where necessary to comply with a court order issued
5 pursuant to sections 4 and 7 of this act, the lines of the districts
6 shall not be changed (~~oftener~~) more often than once in four years
7 and only when a full board of commissioners is present. The districts
8 shall be designated as districts numbered one, two and three.

9 NEW SECTION. Sec. 15. A new section is added to chapter 35.21
10 RCW to read as follows:

11 The legislative authority of a city or town may authorize a
12 change to its electoral system, including the implementation of a
13 district-based election system as defined in section 3(2) of this
14 act, to remedy a potential violation of section 4 of this act. If the
15 legislative authority of a city or town invokes its authority under
16 this section to implement a district-based election system, the
17 districts shall be drawn in a manner consistent with sections 6 and 7
18 of this act. The legislative authority of a city or town shall order
19 new elections to be scheduled pursuant to section 6(4) of this act.
20 All of the positions that were elected pursuant to the previous
21 method of election and have at least two years remaining in their
22 terms of office shall be subject to new elections in order to
23 continue their terms of office.

24 NEW SECTION. Sec. 16. A new section is added to chapter 35A.21
25 RCW to read as follows:

26 The legislative authority of a code city or town may authorize a
27 change to its electoral system, including the implementation of a
28 district-based election system as defined in section 3(2) of this
29 act, to remedy a potential violation of section 4 of this act. If the
30 legislative authority of a code city or town invokes its authority
31 under this section to implement a district-based election system, the
32 districts shall be drawn in a manner consistent with sections 6 and 7
33 of this act. The legislative authority of a code city or town shall
34 order new elections to be scheduled pursuant to section 6(4) of this
35 act. All of the positions that were elected pursuant to the previous
36 method of election and have at least two years remaining in their
37 terms of office shall be subject to new elections in order to
38 continue their terms of office.

1 NEW SECTION. **Sec. 17.** A new section is added to chapter 52.14
2 RCW to read as follows:

3 Where the board of fire commissioners of a fire protection
4 district exercises its authority pursuant to RCW 52.14.013 to create
5 commissioner districts, such districts shall be drawn in a manner
6 consistent with section 6 of this act.

7 **Sec. 18.** RCW 53.12.010 and 2002 c 51 s 1 are each amended to
8 read as follows:

9 (1) The powers of the port district shall be exercised through a
10 port commission consisting of three or, when permitted by this title,
11 five members. Every port district that is not coextensive with a
12 county having a population of five hundred thousand or more shall be
13 divided into the same number of commissioner districts as there are
14 commissioner positions, each having approximately equal population,
15 unless provided otherwise under subsection (2) of this section. Where
16 a port district with three commissioner positions is coextensive with
17 the boundaries of a county that has a population of less than five
18 hundred thousand and the county has three county legislative
19 authority districts, the port commissioner districts (~~shall~~) may be
20 the county legislative authority districts. In other instances where
21 a port district is divided into commissioner districts, the port
22 commission shall divide the port district into commissioner districts
23 unless the commissioner districts have been described pursuant to RCW
24 53.04.031. The commissioner districts shall be altered as provided in
25 chapter 53.16 RCW.

26 Commissioner districts shall be used as follows: (a) Only a
27 registered voter who resides in a commissioner district may be a
28 candidate for, or hold office as, a commissioner of the commissioner
29 district; and (b) only the voters of a commissioner district may vote
30 at a primary to nominate candidates for a commissioner of the
31 commissioner district. Voters of the entire port district may vote at
32 a general election to elect a person as a commissioner of the
33 commissioner district.

34 (2)(a) In port districts with five commissioners, two of the
35 commissioner districts may include the entire port district if
36 approved by the voters of the district either at the time of
37 formation or at a subsequent port district election at which the
38 issue is proposed pursuant to a resolution adopted by the board of
39 commissioners and delivered to the county auditor.

1 (b) In a port district with five commissioners, where two of the
2 commissioner districts include the entire port district, the port
3 district may be divided into five commissioner districts if proposed
4 pursuant to a resolution adopted by the board of commissioners or
5 pursuant to a petition by the voters and approved by the voters of
6 the district at the next general or special election occurring sixty
7 or more days after the adoption of the resolution. A petition
8 proposing such an increase must be submitted to the county auditor of
9 the county in which the port district is located and signed by voters
10 of the port district at least equal in number to ten percent of the
11 number of voters in the port district who voted at the last general
12 election.

13 Upon approval by the voters, the commissioner district boundaries
14 shall be redrawn into five districts within one hundred twenty days
15 and submitted to the county auditor pursuant to RCW 53.16.015. The
16 new commissioner districts shall be numbered one through five and the
17 three incumbent commissioners representing the three former districts
18 shall represent commissioner districts one through three. The two at
19 large incumbent commissioners shall represent commissioner districts
20 four and five. If, as a result of redrawing the district boundaries
21 more than one of the incumbent commissioners resides in one of the
22 new commissioner districts, the commissioners who reside in the same
23 commissioner district shall determine by lot which of the numbered
24 commissioner districts they shall represent for the remainder of
25 their respective terms.

26 **Sec. 19.** RCW 54.12.010 and 2004 c 113 s 1 are each amended to
27 read as follows:

28 A public utility district that is created as provided in RCW
29 54.08.010 shall be a municipal corporation of the state of
30 Washington, and the name of such public utility district shall be
31 Public Utility District No. of County.

32 The powers of the public utility district shall be exercised
33 through a commission consisting of three members in three
34 commissioner districts, and five members in five commissioner
35 districts.

36 (1) If the public utility district is countywide and the county
37 has three county legislative authority districts, then, at the first
38 election of commissioners and until any change is made in the
39 boundaries of public utility district commissioner districts, one

1 public utility district commissioner shall be chosen from each of the
2 three county legislative authority districts.

3 (2) If the public utility district comprises only a portion of
4 the county, with boundaries established in accordance with chapter
5 54.08 RCW, or if the public utility district is countywide and the
6 county does not have three county legislative authority districts,
7 three public utility district commissioner districts, numbered
8 consecutively, each with approximately equal population and following
9 precinct lines, as far as practicable, shall be described in the
10 petition for the formation of the public utility district, subject to
11 appropriate change by the county legislative authority if and when it
12 changes the boundaries of the proposed public utility district. One
13 commissioner shall be elected as a commissioner of each of the public
14 utility district commissioner districts.

15 (3) Only a registered voter who resides in a commissioner
16 district may be a candidate for, or hold office as, a commissioner of
17 the commissioner district. Only voters of a commissioner district may
18 vote at a primary to nominate candidates for a commissioner of the
19 commissioner district. Voters of the entire public utility district
20 may vote at a general election to elect a person as a commissioner of
21 the commissioner district.

22 (4) The term of office of each public utility district
23 commissioner other than the commissioners at large shall be six
24 years, and the term of each commissioner at large shall be four
25 years. Each term shall be computed in accordance with RCW
26 (~~(29A.20.040)~~) 29A.60.280 following the commissioner's election. All
27 public utility district commissioners shall hold office until their
28 successors shall have been elected and have qualified and assume
29 office in accordance with RCW (~~(29A.20.040)~~) 29A.60.280.

30 (5) A vacancy in the office of public utility district
31 commissioner shall occur as provided in chapter 42.12 RCW or by
32 nonattendance at meetings of the public utility district commission
33 for a period of sixty days unless excused by the public utility
34 district commission. Vacancies on a board of public utility district
35 commissioners shall be filled as provided in chapter 42.12 RCW.

36 (6) The boundaries of the public utility district commissioner
37 districts may be changed only by the public utility district
38 commission or by a court order issued pursuant to section 7 of this
39 act, and shall be examined every ten years to determine substantial
40 equality of population in accordance with chapter 29A.76 RCW. Except

1 as provided in this section, section 7 of this act, or RCW 54.04.039,
2 the boundaries shall not be changed (~~(often)~~) more often than once
3 in four years. Boundaries may only be changed when all members of the
4 commission are present. Whenever territory is added to a public
5 utility district under RCW 54.04.035, or added or withdrawn under RCW
6 54.04.039, the boundaries of the public utility commissioner
7 districts shall be changed to include the additional or exclude the
8 withdrawn territory. Unless the boundaries are changed pursuant to
9 RCW 54.04.039, the proposed change of the boundaries of the public
10 utility district commissioner district must be made by resolution and
11 after public hearing. Notice of the time of the public hearing shall
12 be published for two weeks before the hearing. Upon a referendum
13 petition signed by ten percent of the qualified voters of the public
14 utility district being filed with the county auditor, the county
15 legislative authority shall submit the proposed change of boundaries
16 to the voters of the public utility district for their approval or
17 rejection. The petition must be filed within ninety days after the
18 adoption of resolution of the proposed action. The validity of the
19 petition is governed by the provisions of chapter 54.08 RCW.

20 **Sec. 20.** RCW 29A.76.010 and 2011 c 349 s 26 are each amended to
21 read as follows:

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

28 (2) Within forty-five days after receipt of federal decennial
29 census information applicable to a specific local area, the
30 commission established in RCW 44.05.030 shall forward the census
31 information to each municipal corporation, county, and district
32 charged with redistricting under this section.

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

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

38 (a) Each internal director, council, or commissioner district
39 shall be as nearly equal in population as possible to each and every

1 other such district comprising the municipal corporation, county, or
2 special purpose district.

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

4 (c) Each district shall consist of geographically contiguous
5 area.

6 (d) Population data may not be used for purposes of favoring or
7 disfavoring any racial group or political party, except to the extent
8 necessary to ensure compliance with this act.

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

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

19 (6)(a) Any registered voter residing in an area affected by the
20 redistricting plan may request review of the adopted local plan by
21 the superior court of the county in which he or she resides, within
22 fifteen days of the plan's adoption. Any request for review must
23 specify the reason or reasons alleged why the local plan is not
24 consistent with the applicable redistricting criteria. The municipal
25 corporation, county, or district may be joined as respondent. The
26 superior court shall thereupon review the challenged plan for
27 compliance with the applicable redistricting criteria set out in
28 subsection (4) of this section.

29 (b) If the superior court finds the plan to be consistent with
30 the requirements of this section, the plan shall take effect
31 immediately.

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

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

1 NEW SECTION. **Sec. 21.** This act supersedes other state laws and
2 local ordinances to the extent that those state laws or ordinances
3 would otherwise restrict a jurisdiction's ability to implement a
4 remedy pursuant to this act.

5 NEW SECTION. **Sec. 22.** If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 remainder of the act or the application of the provision to other
8 persons or circumstances is not affected.

9 NEW SECTION. **Sec. 23.** Sections 1 through 12 and 21 of this act
10 constitute a new chapter in Title 29A RCW.

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