
SENATE BILL 5267

State of Washington**65th Legislature****2017 Regular Session**

By Senators Hunt, Mullet, Chase, Darneille, Ranker, Wellman, McCoy, Nelson, Lias, Billig, Palumbo, Keiser, Saldaña, Kuderer, Conway, Rolfes, Carlyle, Cleveland, Hasegawa, Hobbs, Pedersen, and Takko

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 2017.

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) "Alternative proportional voting method" means any at large
17 election that includes one of the following methods of voting for
18 multiple members of the governing body of a political subdivision:

19 (a) Limiting the number of votes a voter is entitled to cast to
20 fewer than there are positions to elect;

21 (b) Cumulating the number of votes a voter is entitled to cast
22 for each position, and allowing the voter to cast the total number of
23 votes in favor of a single candidate or to distribute the total
24 number of votes among multiple candidates; or

25 (c) Voting in a single transferable vote where voters rank each
26 candidate in order of preference, with their vote counting towards
27 the highest ranked candidate, and preferences allocated among other
28 candidates who are not elected on first place votes.

29 (2) "At large election" means any of the following methods of
30 electing members of the governing body of a political subdivision:

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

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

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

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

6 (4) "Polarized voting" means voting in which there is a
7 difference in the choice of candidates or other electoral choices
8 that are preferred by voters in a protected class, and in the choice
9 of candidates and electoral choices that are preferred by voters in
10 the rest of the electorate.

11 (5) "Political subdivision" means any county, city, town, school
12 district, fire protection district, port district, or public utility
13 district, but does not include the state.

14 (6) "Protected class" means a class of voters who are members of
15 a race, color, or language minority group.

16 NEW SECTION. **Sec. 4.** (1) No method of election may be imposed
17 or applied in a manner that impairs the ability of members of a
18 protected class to have an equal opportunity to elect candidates of
19 their choice or an equal opportunity to influence the outcome of an
20 election as a result of the dilution or abridgment of the rights of
21 voters who are members of a protected class.

22 (2) A political subdivision is in violation of this act when it
23 is shown that:

24 (a) Elections in the political subdivision exhibit polarized
25 voting; and

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

29 (3) The fact that members of a protected class are not
30 geographically compact or concentrated to constitute a majority in a
31 proposed or existing district-based election district shall not
32 preclude a finding of a violation under this act, but may be a factor
33 in determining a remedy.

34 (4) Members of different protected classes may file an action
35 jointly pursuant to this act if they demonstrate that their combined
36 voting preferences as a group are different from the rest of the
37 electorate.

38 (5) In determining whether there is polarized voting under this
39 act, the court shall analyze elections of the governing body of the

1 political subdivision, ballot measure elections, elections in which
2 at least one candidate is a member of a protected class, and other
3 electoral choices that affect the rights and privileges of members of
4 a protected class. Only elections conducted prior to the filing of an
5 action pursuant to this act shall be used to establish or rebut the
6 existence of polarized voting.

7 (6) The election of candidates who are members of a protected
8 class and who were elected prior to the filing of an action pursuant
9 to this act shall not preclude a finding of polarized voting that
10 results in an unequal opportunity for a protected class to elect
11 candidates of their choice or influence the outcome of an election.

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

15 NEW SECTION. **Sec. 5.** (1) In an action filed pursuant to this
16 act, the trial court shall set a trial to be held no later than one
17 year after the filing of a complaint, and shall set a discovery and
18 motions calendar accordingly.

19 (2) For purposes of any applicable statute of limitations, a
20 cause of action under this act arises every time there is an election
21 pursuant to an at large election or a district-based election.

22 (3) The plaintiff's constitutional right to the secrecy of the
23 plaintiff's vote is preserved and is not waived by the filing of an
24 action pursuant to this act, and is not subject to discovery or
25 disclosure.

26 (4) In seeking a temporary restraining order or a preliminary
27 injunction, a plaintiff shall not be required to post a bond or any
28 other security in order to secure such equitable relief.

29 (5) No action may be filed pursuant to this act before January
30 15, 2018.

31 NEW SECTION. **Sec. 6.** (1) A political subdivision that conducts
32 an election pursuant to state, county, or local law, is authorized to
33 change its electoral system including, but not limited to,
34 implementing a district-based election system or an alternative
35 proportional voting method to remedy a potential violation of section
36 4 of this act. If a political subdivision invokes its authority under
37 this section to implement a district-based election system, the

1 districts shall be drawn in a manner consistent with section 7 of
2 this act.

3 (2) If a political subdivision implements a district-based
4 election system, the plan shall be consistent with the following
5 criteria:

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

9 (b) Each district shall be reasonably compact.

10 (c) Each district shall consist of geographically contiguous
11 area.

12 (d) To the extent feasible, the district boundaries shall
13 coincide with existing recognized natural boundaries and shall, to
14 the extent possible, preserve existing communities of related and
15 mutual interest.

16 (e) District boundaries may not be drawn or maintained in a
17 manner that denies a protected class an equal opportunity to elect
18 candidates of its choice or an equal opportunity to influence the
19 outcome of an election.

20 (3) During the adoption of its plan, the political subdivision
21 shall ensure that full and reasonable public notice of its actions is
22 provided. The political subdivision shall hold at least one public
23 hearing on the redistricting plan at least one week before adoption
24 of the plan.

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

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

38 (c) All of the positions that were elected pursuant to the
39 previous electoral system and have at least two years remaining in
40 their terms of office from the date the plan was adopted shall be

1 subject to new elections, pursuant to the adopted plan, in order to
2 continue their term of office.

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

10 (6) No later than eight months after its receipt of federal
11 decennial census data, the governing body of the political
12 subdivision that had previously invoked its authority under this
13 section to implement a district-based election system, or that was
14 previously charged with redistricting under section 7 of this act,
15 shall prepare a plan for redistricting its districts, pursuant to RCW
16 29A.76.010, and in a manner consistent with this act.

17 (7) A political subdivision may eliminate the staggered terms of
18 any position in order to implement an alternative proportional voting
19 method.

20 NEW SECTION. **Sec. 7.** (1) Upon a finding of a violation of
21 section 4 of this act, the court shall order appropriate remedies
22 that are tailored to remedy the violation. The remedies may include,
23 but are not limited to, the imposition of a district-based election
24 system or an alternative proportional voting method. The court may
25 order the affected jurisdiction to draw or redraw district boundaries
26 or appoint an individual or panel to draw or redraw district lines.
27 The proposed districts must be approved by the court prior to their
28 implementation.

29 (2) Implementation of a district-based remedy is not precluded by
30 the fact that members of a protected class do not constitute a
31 numerical majority within a proposed district-based election
32 district. If, in tailoring a remedy, the court orders the
33 implementation of a district-based election district where the
34 members of the protected class are not a numerical majority, the
35 court shall do so in a manner that provides the protected class an
36 equal opportunity to elect candidates of their choice or an equal
37 opportunity to influence the outcome of an election.

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

1 (a) If the court's order providing a remedy or approving proposed
2 districts, whichever is later, is issued during the period of time
3 between the first Tuesday after the first Monday of November and on
4 or before January 15th of the following year, the court shall order
5 new elections, conducted pursuant to the remedy, to occur at the next
6 succeeding general election. If a special filing period is required,
7 filings for that office shall be reopened for a period of three
8 business days, such three-day period to be fixed by the filing
9 officer.

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

17 (c) All of the positions that were elected pursuant to the at
18 large or district-based election system that was the subject of the
19 action filed pursuant to this chapter and have at least two years
20 remaining in their terms of office from the date the plan was
21 adopted, including those elected pursuant to (b) of this subsection,
22 shall be subject to new elections, pursuant to the remedy implemented
23 under subsection (1) of this section.

24 (d) The remedy may provide for a political subdivision to
25 eliminate the staggered terms of any position in order to implement
26 an alternative proportional voting method.

27 NEW SECTION. **Sec. 8.** (1) In any action to enforce this chapter,
28 the court may allow the prevailing plaintiff or plaintiffs, other
29 than the state or political subdivision thereof, reasonable
30 attorneys' fees, all nonattorney fee costs as defined by RCW
31 4.84.010, and all reasonable expert witness fees. No fees or costs
32 may be awarded if no action is filed.

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

35 NEW SECTION. **Sec. 9.** Any voter who resides in a political
36 subdivision where a violation of section 4 of this act is alleged may
37 file an action in the superior court of the county in which the
38 political subdivision is located. If the action is against a county,

1 the action may be filed in the superior court of such county, or in
2 the superior court of either of the two nearest judicial districts as
3 determined pursuant to RCW 36.01.050(2). An action filed pursuant to
4 this chapter does not need to be filed as a class action.

5 NEW SECTION. **Sec. 10.** (1) Prior to filing an action pursuant to
6 this act, a person shall first notify the political subdivision that
7 he or she intends to challenge the political subdivision's electoral
8 system under this act. The political subdivision shall promptly make
9 such notice public. If the political subdivision does not invoke its
10 authority under section 6 of this act to implement the person's
11 proposed remedy within one hundred eighty days after receiving
12 notice, any person may file an action under this act.

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

21 (3) If, within one hundred eighty days after receiving a person's
22 notice, a political subdivision receives another notice containing a
23 materially different proposed remedy than the first notice, the
24 political subdivision shall have an additional ninety days from the
25 date of this subsequent notice before an action may be filed under
26 this act. All notices shall be made public promptly.

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

32 (5) If, after considering the person's notice, the political
33 subdivision adopts the proposed remedy offered by the person in the
34 notice, an action under this act by any person may not be brought
35 against that political subdivision for four years; provided, however,
36 that the political subdivision does not enact a change to or
37 deviation from the remedy during this four-year period that would
38 otherwise give rise to an action under this act. In agreeing to adopt

1 the person's proposed remedy, the political subdivision may do so by
2 stipulation, which shall become a public document.

3 (6) If the political subdivision adopts a remedy that takes the
4 notice into account, or adopts the notice's proposed remedy, the
5 political subdivision shall seek a court order acknowledging that the
6 political subdivision's remedy complies with section 4 of this act.
7 The person who submitted the notice may support or oppose such an
8 order. If the court concludes that the political subdivision's remedy
9 complies with section 4 of this act, an action under this act by any
10 party may not be brought against that political subdivision for four
11 years; provided, however, that the political subdivision does not
12 enact a change to or deviation from the remedy during this four-year
13 period that would otherwise give rise to an action under this act.

14 (7) If a political subdivision has received two or more notices
15 containing materially different proposed remedies, the political
16 subdivision shall work in good faith with the persons to implement a
17 remedy that provides the protected class or classes identified in the
18 notices an equal opportunity to elect candidates of their choice or
19 influence the outcome of an election. If the political subdivision
20 adopts one of the remedies offered, or a different remedy that takes
21 multiple notices into account, the political subdivision shall seek a
22 court order acknowledging that the political subdivision's remedy
23 complies with section 4 of this act. The persons who submitted
24 notices may support or oppose such an order. If the court concludes
25 that the political subdivision's remedy complies with section 4 of
26 this act, an action under this act by any party may not be brought
27 against that political subdivision for four years; provided, however,
28 that the political subdivision does not enact a change to or
29 deviation from the remedy during this four-year period that would
30 otherwise give rise to an action under this act.

31 NEW SECTION. **Sec. 11.** If, after an action is filed, the
32 political subdivision adopts a remedy that is sanctioned by a court
33 pursuant to section 10 of this act, or implements a court-ordered
34 remedy pursuant to section 7 of this act, an action under this act by
35 any party may not be brought against that political subdivision for
36 four years; provided, however, that the political subdivision does
37 not enact a change to or deviation from the remedy during this four-
38 year period that would otherwise give rise to an action under this
39 act.

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

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

7 The school board of directors may authorize a change to a
8 district-based election system or an alternative proportional voting
9 method as defined in section 3 of this act, such districts to be
10 drawn in a manner consistent with sections 6 and 7 of this act. The
11 school board of directors shall order new elections to be scheduled
12 pursuant to section 6(4) of this act. The staggering of directors'
13 terms shall be accomplished as provided in RCW 28A.343.030 and
14 28A.343.620 through 28A.343.650.

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

17 The board of county commissioners of each county shall divide
18 their county into three commissioner districts so that each district
19 shall comprise as nearly as possible one-third of the population of
20 the county: PROVIDED, That the territory comprised in any voting
21 precincts of such districts shall remain compact, and shall not be
22 divided by the lines of said districts.

23 However, the commissioners of any county composed entirely of
24 islands and with a population of less than thirty-five thousand may
25 divide their county into three commissioner districts without regard
26 to population, except that if any single island is included in more
27 than one district, the districts on such island shall comprise, as
28 nearly as possible, equal populations.

29 The commissioners of any county may authorize a change to their
30 electoral system to remedy a potential violation of section 4 of this
31 act, and any such change must be consistent with the requirements of
32 this act. Except where necessary to comply with a court order issued
33 pursuant to sections 4 and 7 of this act, the lines of the districts
34 shall not be changed (~~oftener~~) more often than once in four years
35 and only when a full board of commissioners is present. The districts
36 shall be designated as districts numbered one, two and three.

1 NEW SECTION. **Sec. 15.** A new section is added to chapter 35.21
2 RCW to read as follows:

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

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

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

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

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

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

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

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

28 (2)(a) In port districts with five commissioners, two of the
29 commissioner districts may include the entire port district if
30 approved by the voters of the district either at the time of
31 formation or at a subsequent port district election at which the
32 issue is proposed pursuant to a resolution adopted by the board of
33 commissioners and delivered to the county auditor.

34 (b) In a port district with five commissioners, where two of the
35 commissioner districts include the entire port district, the port
36 district may be divided into five commissioner districts if proposed
37 pursuant to a resolution adopted by the board of commissioners or
38 pursuant to a petition by the voters and approved by the voters of
39 the district at the next general or special election occurring sixty
40 or more days after the adoption of the resolution. A petition

1 proposing such an increase must be submitted to the county auditor of
2 the county in which the port district is located and signed by voters
3 of the port district at least equal in number to ten percent of the
4 number of voters in the port district who voted at the last general
5 election.

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

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

21 A public utility district that is created as provided in RCW
22 54.08.010 shall be a municipal corporation of the state of
23 Washington, and the name of such public utility district shall be
24 Public Utility District No. of County.

25 The powers of the public utility district shall be exercised
26 through a commission consisting of three members in three
27 commissioner districts, and five members in five commissioner
28 districts.

29 (1) If the public utility district is countywide and the county
30 has three county legislative authority districts, then, at the first
31 election of commissioners and until any change is made in the
32 boundaries of public utility district commissioner districts, one
33 public utility district commissioner shall be chosen from each of the
34 three county legislative authority districts.

35 (2) If the public utility district comprises only a portion of
36 the county, with boundaries established in accordance with chapter
37 54.08 RCW, or if the public utility district is countywide and the
38 county does not have three county legislative authority districts,
39 three public utility district commissioner districts, numbered

1 consecutively, each with approximately equal population and following
2 precinct lines, as far as practicable, shall be described in the
3 petition for the formation of the public utility district, subject to
4 appropriate change by the county legislative authority if and when it
5 changes the boundaries of the proposed public utility district. One
6 commissioner shall be elected as a commissioner of each of the public
7 utility district commissioner districts.

8 (3) Only a registered voter who resides in a commissioner
9 district may be a candidate for, or hold office as, a commissioner of
10 the commissioner district. Only voters of a commissioner district may
11 vote at a primary to nominate candidates for a commissioner of the
12 commissioner district. Voters of the entire public utility district
13 may vote at a general election to elect a person as a commissioner of
14 the commissioner district.

15 (4) The term of office of each public utility district
16 commissioner other than the commissioners at large shall be six
17 years, and the term of each commissioner at large shall be four
18 years. Each term shall be computed in accordance with RCW
19 (~~29A.20.040~~) 29A.60.280 following the commissioner's election. All
20 public utility district commissioners shall hold office until their
21 successors shall have been elected and have qualified and assume
22 office in accordance with RCW (~~29A.20.040~~) 29A.60.280.

23 (5) A vacancy in the office of public utility district
24 commissioner shall occur as provided in chapter 42.12 RCW or by
25 nonattendance at meetings of the public utility district commission
26 for a period of sixty days unless excused by the public utility
27 district commission. Vacancies on a board of public utility district
28 commissioners shall be filled as provided in chapter 42.12 RCW.

29 (6) The boundaries of the public utility district commissioner
30 districts may be changed only by the public utility district
31 commission or by a court order issued pursuant to section 7 of this
32 act, and shall be examined every ten years to determine substantial
33 equality of population in accordance with chapter 29A.76 RCW. Except
34 as provided in this section, section 7 of this act, or RCW 54.04.039,
35 the boundaries shall not be changed (~~more often~~) more often than once
36 in four years. Boundaries may only be changed when all members of the
37 commission are present. Whenever territory is added to a public
38 utility district under RCW 54.04.035, or added or withdrawn under RCW
39 54.04.039, the boundaries of the public utility commissioner
40 districts shall be changed to include the additional or exclude the

1 withdrawn territory. Unless the boundaries are changed pursuant to
2 RCW 54.04.039, the proposed change of the boundaries of the public
3 utility district commissioner district must be made by resolution and
4 after public hearing. Notice of the time of the public hearing shall
5 be published for two weeks before the hearing. Upon a referendum
6 petition signed by ten percent of the qualified voters of the public
7 utility district being filed with the county auditor, the county
8 legislative authority shall submit the proposed change of boundaries
9 to the voters of the public utility district for their approval or
10 rejection. The petition must be filed within ninety days after the
11 adoption of resolution of the proposed action. The validity of the
12 petition is governed by the provisions of chapter 54.08 RCW.

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

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

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

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

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

31 (a) Each internal director, council, or commissioner district
32 shall be as nearly equal in population as possible to each and every
33 other such district comprising the municipal corporation, county, or
34 special purpose district.

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

36 (c) Each district shall consist of geographically contiguous
37 area.

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

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

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

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

24 (b) If the superior court finds the plan to be consistent with
25 the requirements of this section, the plan shall take effect
26 immediately.

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

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

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

1 NEW SECTION. **Sec. 22.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

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

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