

# Proposed Substitute House Bill 1750 (H-1318.1/25)

House State Government & Tribal Relations Committee

By Representative Mena

## Original Bill:

- Prohibits certain political subdivisions from implementing and enforcing any election policy or practice, or to take any action or fail to take any action, that results in, is likely to result in, or is intended to result in a material disparate burden on the ability or opportunity of members of a protected class to vote or participate in any stage of the political process.
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## Proposed Substitute House Bill (H-1318.1) compared to the Original Bill:

- Removes reference to abridgment of the rights of voters who are members of a protected class in provisions under the Washington Voting Rights Act (WVRA) that establish the standard for proving a vote dilution claim.
- Adds reference to abridgment of the rights of voters who are members of a protected class to new provisions under the act that prohibit political subdivisions from implementing and enforcing any election policy or practice that results in, or is likely or intended to result in, a material disparate burden on the ability or opportunity of members of a protected class to vote or participate in any stage of the political process.
- Specifies that the provisions stating when new elections will be ordered after a political subdivision adopts a remedy to a potential violation, which depend on whether the remedy is adopted prior to Election Day or after Election Day, apply only to violations or potential violations brought under a vote dilution claim.
- Provides a four-year safe harbor from challenges brought under an abridgment claim for any subsequent actions based on the same election policy or practice for which a court has concluded that the political subdivision's remedy complies with the WVRA.
- Expands the current exemption from the WVRA for cities and towns with populations under 1,000 or school districts with K-12 full-time equivalent enrollments of less than 250 students to also exempt those political subdivisions from the new provisions relating to abridgment claims.
- Specifies that the circumstances deemed irrelevant to demonstrating an abridgment claim may not be considered when deciding such a claim.
- Corrects an internal reference.

Staff: Desiree Omlil

Date: February 10, 2025

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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: H-1318.1/25

ATTY/TYPIST: KS:akl

BRIEF DESCRIPTION: Creating guidelines for voter suppression and  
vote dilution claims under the Washington voting  
rights act.

1 AN ACT Relating to creating guidelines for voter suppression and  
2 vote dilution claims under the Washington voting rights act; amending  
3 RCW 29A.92.005, 29A.92.010, 29A.92.030, 29A.92.040, 29A.92.050,  
4 29A.92.060, 29A.92.070, 29A.92.080, 29A.92.090, 29A.92.100,  
5 29A.92.110, 29A.92.115, 29A.92.120, 29A.92.130, and 29A.92.700;  
6 adding a new section to chapter 29A.92 RCW; and repealing RCW  
7 29A.92.020.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 29A.92

2    RCW to read as follows:

3        (1) Except as provided in subsection (2) of this section, no  
4    political subdivision or government entity responsible for election  
5    administration may abridge the rights of voters who are members of a  
6    protected class or classes by implementing, imposing, or enforcing  
7    any election policy or practice, or taking any action or failing to  
8    take any action, that results in, is likely to result in, or is  
9    intended to result in a material disparate burden on the ability or  
10   opportunity of members of a protected class to vote or participate in  
11   any stage of the political process.

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

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

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

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

25        (4) The following are circumstances not relevant, and may not be  
26   considered, to demonstrate a violation of subsection (1) of this  
27   section:

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

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

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

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

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

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

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

6 (1) No method of electing the governing body of a political  
7 subdivision may be imposed or applied in a manner that impairs the  
8 ability of members of a protected class or classes to have an equal  
9 opportunity to elect candidates of their choice as a result of the  
10 dilution of the votes of the members of a protected class or classes.

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

13 (a) Elections in the political subdivision exhibit polarized  
14 voting; and

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

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

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

38 ((+4)) (5) The equal opportunity to elect shall be assessed  
39 pragmatically, based on local election conditions, and may include

1 crossover districts. No single factor is dispositive or necessary to  
2 establish a violation of this section.

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

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

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

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

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

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

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



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

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

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

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

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

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

22       (2)(a) If the political subdivision invokes its authority under  
23 RCW 29A.92.040 to remedy a potential violation of RCW 29A.92.030 and  
24 the plan is adopted during the period of time between the first  
25 Tuesday after the first Monday of November and on or before January  
26 15th of the following year, the political subdivision shall order new  
27 elections to occur at the next succeeding general election.

28       (b) If the political subdivision invokes its authority under RCW  
29 29A.92.040 to remedy a potential violation of RCW 29A.92.030 and the  
30 plan is adopted during the period of time between January 16th and on  
31 or before the first Monday of November, the next election will occur  
32 as scheduled and organized under the current electoral system, but  
33 the political subdivision shall order new elections to occur pursuant  
34 to the remedy at the general election the following calendar year.

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

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

1 (b) Each district shall be reasonably compact.

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (3) If the court concludes that the political subdivision's  
34 remedy complies with ((~~RCW 29A.92.020, an~~)) this chapter:

35 (a) An action under ((~~this chapter~~)) RCW 29A.92.030 may not be  
36 brought against that political subdivision for four years by any  
37 party so long as the political subdivision does not enact a change to  
38 or deviation from the remedy during this four-year period that would  
39 otherwise give rise to an action under this chapter; and

1 (b) An action under section 3 of this act that is based on the  
2 same election policy or practice for which the court has concluded  
3 that the political subdivision's remedy complies with this chapter  
4 may not be brought against that political subdivision for four years  
5 by any party so long as the political subdivision does not enact a  
6 change to or deviation from the remedy during this four-year period  
7 that would otherwise give rise to an action under this chapter.

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

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

19 (i) Be in writing;

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

22 (iii) Include financial documentation, such as a detailed invoice  
23 for demographic services, that supports the demand. The political  
24 subdivision may request additional documentation if the documentation  
25 provided is insufficient for the political subdivision to corroborate  
26 the claimed costs.

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

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

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

1 or otherwise has not adopted a remedy in compliance with section 3 of  
2 this act.

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

24 (3) If the court concludes that the political subdivision's  
25 remedy complies with ((RCW 29A.92.020, an)) this chapter:

26 (a) An action under ((this chapter)) RCW 29A.92.030 may not be  
27 brought against that political subdivision for four years by any  
28 party so long as the political subdivision does not enact a change to  
29 or deviation from the remedy during this four-year period that would  
30 otherwise give rise to an action under this chapter; and

31 (b) An action under section 3 of this act that is based on the  
32 same election policy or practice for which the court has concluded  
33 that the political subdivision's remedy complies with this chapter  
34 may not be brought against that political subdivision for four years  
35 by any party so long as the political subdivision does not enact a  
36 change to or deviation from the remedy during this four-year period  
37 that would otherwise give rise to an action under this chapter.

38 (4) (a) If the court issues an order under subsection (2) of this  
39 section as to RCW 29A.92.030 or the political subdivision implements  
40 a remedy in response to a potential violation of section 3 of this

1 act, the persons, organizations, or tribes who sent notices may make  
2 a demand to the political subdivision for reimbursement of the costs  
3 incurred in conducting the research necessary to send the notices. A  
4 demand made under this subsection must:

5 (i) Be in writing;

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

8 (iii) Include financial documentation, such as a detailed invoice  
9 for demographic services, that supports the demand. The political  
10 subdivision may request additional documentation if the documentation  
11 provided is insufficient for the political subdivision to corroborate  
12 the claimed costs.

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

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

18 (1) (a) After exhaustion of the time period in RCW 29A.92.080, any  
19 voter who resides in a political subdivision, organization whose  
20 roster of members and volunteers includes a voter who resides in the  
21 political subdivision, or tribe located at least in part in the  
22 political subdivision where a violation of (~~RCW 29A.92.020~~) this  
23 chapter is alleged may file an action in the superior court of the  
24 county in which the political subdivision is located. If the action  
25 is against a county, the action may be filed in the superior court of  
26 such county, or in the superior court of either of the two nearest  
27 judicial districts as determined pursuant to RCW 36.01.050(2). An  
28 action filed pursuant to this chapter does not need to be filed as a  
29 class action. The notice and exhaustion of the time period in RCW  
30 29A.92.080 is not required to file an action under this section in  
31 circumstances described in (b) of this subsection.

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

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

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

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

4 (2) ((A)) In an action under RCW 29A.92.030, a coalition of  
5 members of different protected classes may file an action jointly  
6 pursuant to this chapter if they demonstrate that the combined voting  
7 preferences of the multiple protected classes are polarized against  
8 the rest of the electorate. A coalition of members of different  
9 protected classes is not required to demonstrate that each individual  
10 racial, color, or language minority group which comprises the  
11 coalition is cohesive.

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

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

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

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

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

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

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

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

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

1       (~~(5)~~) (6) No notice may be submitted to any political  
2 subdivision pursuant to this chapter before July 19, 2018.

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

5       (1) After finding a violation of (~~RCW 29A.92.020~~) this chapter  
6 or upon stipulation of the parties, the court may order appropriate  
7 remedies that are tailored to address the violation including, but  
8 not limited to, the imposition of a district-based election system or  
9 expansion of the number of elected county commissioners if authorized  
10 by RCW 29A.92.115, or modification of the political subdivision's  
11 election policies and practices. In tailoring a remedy, the court  
12 shall consider proposed remedies by the parties and may not give  
13 deference to a proposed remedy only because it is proposed by the  
14 political subdivision. The court may not approve a remedy that  
15 violates this chapter.

16       (2) If the court orders a district-based remedy, the court must  
17 approve proposed district boundaries prior to their implementation.  
18 The court must determine that the proposed district boundaries will  
19 not violate this chapter.

20       (3) Implementation of a district-based remedy is not precluded by  
21 the fact that members of a protected class do not constitute a  
22 numerical majority within a proposed district-based election  
23 district. If, in tailoring a remedy, the court orders the  
24 implementation of a district-based election district where the  
25 members of the protected class are not a numerical majority, the  
26 court shall do so in a manner that provides the protected class an  
27 equal opportunity to elect candidates of their choice. The court may  
28 also approve a district-based election system that provides the  
29 protected class the opportunity to join in a coalition of two or more  
30 protected classes to elect candidates of their choice if there is  
31 demonstrated political cohesion among the protected classes.

32       (4) In tailoring a remedy after a finding of a violation of RCW  
33 (~~29A.92.020~~) 29A.92.030 or upon stipulation of the parties:

34       (a) If the court's order providing a remedy or approving proposed  
35 districts, whichever is later, is issued during the period of time  
36 between the first Tuesday after the first Monday of November and on  
37 or before January 15th of the following year, the court shall order  
38 new elections, conducted pursuant to the remedy, to occur at the next  
39 succeeding general election. If a special filing period is required,



1 filings for that office shall be reopened for a period of three  
2 business days, such three-day period to be fixed by the filing  
3 officer.

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

11 (c) The remedy may provide for the political subdivision to hold  
12 elections for the members of its governing body at the same time as  
13 regularly scheduled elections for statewide or federal offices. All  
14 positions on the governing body must stand for election at the next  
15 election for the governing body, scheduled pursuant to this  
16 subsection (4). The governing body may subsequently choose to stagger  
17 the terms of its positions.

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

24 **Sec. 13.** RCW 29A.92.115 and 2023 c 56 s 12 are each amended to  
25 read as follows:

26 (1) A county may reasonably increase the number of elected  
27 commissioners to remedy a potential violation of RCW ((~~29A.92.020~~))  
28 29A.92.030 if the protected class or one of the protected classes  
29 subject to alleged vote dilution is Indian tribal status.

30 (2) After finding a violation of RCW ((~~29A.92.020~~)) 29A.92.030 or  
31 upon stipulation of the parties, the court may order a reasonable  
32 increase in the number of elected officials on a county commission if  
33 the defendant political subdivision is a county and the protected  
34 class or one of the protected classes subject to alleged vote  
35 dilution is Indian tribal status.

36 **Sec. 14.** RCW 29A.92.120 and 2019 c 64 s 14 are each amended to  
37 read as follows:

1 (1) No action under this chapter may be brought by any person  
2 against a political subdivision that has adopted a remedy to its  
3 electoral system after an action is filed that is approved by a court  
4 pursuant to RCW 29A.92.070 or implemented a court-ordered remedy  
5 pursuant to RCW 29A.92.110 for four years after adoption of the  
6 remedy if the political subdivision does not enact a change to or  
7 deviation from the remedy during this four-year period that would  
8 otherwise give rise to an action under this chapter. This subsection  
9 applies to violations or potential violations under section 3 of this  
10 act only if a subsequent action is based on the same election policy  
11 or practice for which the court has concluded that the political  
12 subdivision's remedy complies with this chapter.

13 (2) No action under this chapter may be brought by any person  
14 against a political subdivision that has adopted a remedy to its  
15 electoral system in the previous decade before June 7, 2018, as a  
16 result of a claim under the federal voting rights act until after the  
17 political subdivision completes redistricting pursuant to RCW  
18 29A.76.010 for the 2020 decennial census.

19 **Sec. 15.** RCW 29A.92.130 and 2023 c 56 s 10 are each amended to  
20 read as follows:

21 (1) In any action to enforce this chapter, the court may allow  
22 the prevailing plaintiff or plaintiffs, other than the state or  
23 political subdivision thereof, reasonable attorneys' fees, all  
24 nonattorney fee costs as defined by RCW 4.84.010, and all reasonable  
25 expert witness fees, including all such reasonable fees and costs  
26 incurred before filing the action.

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

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

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

1       **Sec. 16.** RCW 29A.92.700 and 2018 c 113 s 501 are each amended to  
2 read as follows:

3       The provisions of RCW 29A.92.005 through 29A.92.030, 29A.92.060  
4 through 29A.92.130, section 3 of this act, and 29A.92.900 are not  
5 applicable to cities and towns with populations under one thousand or  
6 to school districts with K-12 full-time equivalent enrollments of  
7 less than two hundred fifty.

8       NEW SECTION.   **Sec. 17.** RCW 29A.92.020 (Method of election—Equal  
9 opportunity for protected class) and 2018 c 113 s 104 are each  
10 repealed.

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