

IN THE LEGISLATURE  
of the  
**STATE OF WASHINGTON**



CERTIFICATION OF ENROLLED ENACTMENT

SUBSTITUTE HOUSE BILL NO. 20

CHAPTER NO. \_\_\_\_\_

Passed the House January 20, 1983  
as amended

Yeas 83 Nays 13

Passed the Senate February 1, 1983  
as amended

Yeas 37 Nays 11

2/2/83 House concurred in Senate amendments except to page 5, line 35, and asked the Senate to recede therefrom.

2/3/83 The Senate receded from its amendment on page 5, line 35.

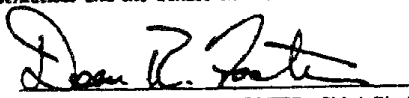
Yeas 29 Nays 20

2/3/83 The House passed the bill as Senate amended.

Yeas 85 Nays 12

CERTIFICATION

*I, Dean R. Foster, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is enrolled Substitute House Bill No. 20 as passed by the House of Representatives and the Senate on the dates hereon set forth.*

  
DEAN R. FOSTER, Chief Clerk

by Committee on Constitution, Election & Ethics (originally sponsored by Representatives Pruitt, R. King, Vekich, Sommers, Jacobsen, Ristuben, P. King, Charnley, Fisch, Rust, Moon, Halsan, Locke, Tanner, Armstrong, Powers, Todd, Fisher, Hine, Ellis, Kaiser and Burns)

Read first time January 17<sup>th</sup>, 1983.

1 AN ACT Relating to congressional reapportionment and  
2 redistricting; adding a new section to chapter 34.04 RCW; creating  
3 new sections; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF Washington:

5 NEW SECTION. Sec. 1. The legislature finds that a federal three  
6 judge court in Doph v. Munro et al., United States District Court No.  
7 C82-233T. declared the Washington Legislature's 1982 Congressional  
8 Redistricting Plan, chapter 2, Laws of 1982, unconstitutional under  
9 Article I, section 2, of the United States Constitution and the court  
10 has directed that "The legislature shall adopt a constitutional  
11 redistricting plan within ninety (90) days after the 1983 regular  
12 session begins."

13 The legislature further recognizes its responsibility under  
14 Article XXVII, section 13 of the Washington state Constitution which  
15 requires that the legislature apportion and district anew and divide  
16 the state into congressional districts, according to the number of  
17 inhabitants.

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

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

21 (2) "Federal census" means the decennial census required by  
22 federal law to be prepared by the United States bureau of the census  
23 in 1980.

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

26 (4) "Plan" means a plan for congressional redistricting.

27 (5) "Political party office" means any elected or appointed  
28 office in any major or minor political party having a candidate on

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1 the ballot during any of the last two general elections, excluding  
2 the office of party precinct committee person.

3 (6) "Public office" means any elected or appointed office in the  
4 executive, judicial, or legislative branch or in any agency,  
5 commission, or organization of the federal, state, or local  
6 government.

7 NEW SECTION. Sec. 3. A congressional redistricting commission  
8 shall be established within five days after the effective date of  
9 this act to provide for the apportionment and redistricting of this  
10 state into congressional districts. The five-member commission shall  
11 be appointed as follows:

12 (1) The legislative leaders of the two largest political parties  
13 in each house of the legislature shall appoint one person.

14 (2) The four appointees, by an affirmative vote of at least  
15 three, shall appoint the fifth person who shall be a nonvoting member  
16 of the commission and serve as chairman.

17 (3) If three of the four appointees fail to select a fifth  
18 appointee within twelve days after the effective date of this act  
19 pursuant to subsection (2) of this section, the supreme court is  
20 required to appoint the fifth person within nineteen days after the  
21 effective date of this act. If a fifth person is not appointed  
22 within nineteen days after the effective date of this act, then on  
23 and after such date the commission membership shall be limited to  
24 four persons and these four shall select a chairman from among their  
25 own member.

26 (4) A vacancy on the commission shall be filled by the person or  
27 persons who made the initial appointment, or the successor of the  
28 person or persons making the original appointment, within two days  
29 after the vacancy occurs.

30 (5) If any commission member fails to attend three commission  
31 meetings without being excused by the chairman prior to the meetings,  
32 then at the conclusion of the third meeting, the member shall cease  
33 to be a commission member. The vacancy shall be filled as provided  
34 in subsection (4) of this section.

35 NEW SECTION. Sec 4. (a) No person may be appointed to the

1 Commission who:

2 (1) Is not a registered voter of the state at the time of the  
3 selection.

4 (2) Holds or has held public office or political party office  
5 within one year prior to selection;

6 (3) Is a relative of or is employed by a member of the state  
7 house of representatives or the state senate;

8 (4) Is or has within one year prior to selection been a  
9 registered lobbyist; or

10 (5) Has been directly involved n the Doph v Munro lawsuit or the  
11 preparation of C 2, L1982 (SHB 787).

12 (b) No person while a member of the commission may:

13 (1) Hold or campaign for public or political party office while a  
14 member of the commission; or

15 (2) Actively participate in any political campaign of any  
16 candidate for state or federal elective office while a member of the  
17 commission.

18 NEW SECTION. SEC. 5. (a) No person may be employed by the  
19 Commission who:

20 (1) Holds or has held public office or political party office  
21 within one year prior to selection;

22 (2) Is a relative of or is employed by a member of the state  
23 house of representatives or the state senate; or

24 (3) Is or has within one year prior to selection been a  
25 registered lobbyist; or

26 (4) Has been directly involved in the Doph v Munro lawsuit or the  
27 preparation of C 2, L1982 (SHB 787).

28 (b) No person while an employee of the commission may:

29 (1) Hold or campaign for public or political party office while  
30 an employee of the commission; or

31 (2) Actively participate in any political campaign of any  
32 candidate for state or federal elective office while an employee of  
33 the commission.

34 NEW SECTION. Sec. 6. (1) The commission shall provide for the  
35 development of and shall adopt a plan dividing the state into

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1 congressional districts. It shall select a competent person or  
2 persons to prepare such plan.

3 (2) The commission may employ the services of experts,  
4 consultants, and support staff, including attorneys not employed by  
5 the attorney general, as necessary to carry out its duties pursuant  
6 to this chapter. The chief election officer, the treasurer, and the  
7 attorney general shall make available to the commission such  
8 personnel, facilities, and other assistance as the commission may  
9 reasonably request.

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

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

19 NEW SECTION. Sec. 7. In addition to other duties prescribed by  
20 law, the commission shall:

21 (1) Adopt such bylaws and procedures as are convenient for  
22 carrying out this act. These rules and procedures shall provide that  
23 a majority of the voting members of the commission must be present to  
24 constitute a quorum to do business, and that the affirmative vote of  
25 three of the voting members is required for any official action of  
26 the commission;

27 (2) Act as the legislature's recipient of redistricting data and  
28 maps. Upon receipt of the data and maps, the commission shall  
29 promptly provide copies to the secretary of the senate and chief  
30 clerk of the house of representatives;

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

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

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

36 (6) Prepare and publish a report with the plan; the report will

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

9 NEW SECTION. Sec. 8. (1) The commission plan shall provide for  
10 districts which have population as nearly equal as is practicable,  
11 excluding nonresident military personnel and their dependents, based  
12 on the population reported in the federal decennial census.

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

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

20 (b) Districts should be composed of convenient, contiguous, and  
21 compact territory. Land areas may be deemed contiguous if they share  
22 a common land border or are connected by a ferry, highway, bridge, or  
23 tunnel. Areas separated by unbridged water should be considered  
24 contiguous to the nearest land area only where necessary to comply  
25 with the other criteria enumerated in the Constitution and this  
26 section. Areas which only share common borders at the points of  
27 adjoining corners should not be deemed contiguous. Areas separated  
28 by geographical boundaries or artificial barriers that prevent  
29 transportation within a district should not be deemed contiguous.

30 (c) Whenever practicable, a precinct shall be wholly within a  
31 single congressional district.

32 (3) No district may be drawn for the purpose of favoring any  
33 political party, incumbent representative or other person or group.

34 (4) No district may be drawn for the purpose of diluting the  
35 voting strength of any language or racial minority group.

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1        NEW SECTION. Sec. 9. (1) The commission shall adopt the  
2 redistricting plan, with the approval of three of the voting members  
3 of the commission, within thirty days after the effective date of  
4 this act. Within two days after date of adoption, it shall submit  
5 the plan, in bill form, to the legislature.

6        (2) After submission of the plan by the commission, the  
7 legislature shall have the next fifteen days to adopt or amend the  
8 commission's plan. If the legislature amends the commission's plan,  
9 the legislature's amendment shall be approved by an affirmative vote  
10 in each house of two-thirds of the members of that house. The  
11 amendment shall not affect more than one percent of the population of  
12 any congressional district contained in the commission's plan.

13        (3) The plan as approved by the legislature shall be in force  
14 until the effective date of the plan based upon the next succeeding  
15 federal decennial census.

16        (4) If three of the voting members of the commission fail to  
17 approve and submit a plan within the time limitations provided in  
18 subsection (1) of this section or the legislature fails to enact the  
19 bill within the time limits in subsection (2) of this section, the  
20 federal court retaining jurisdiction is requested to adopt a plan by  
21 April 10, 1983.

22        NEW SECTION. Sec. 10. (1) Following the period provided by  
23 section 9 of this act for the adoption of a plan, the commission  
24 shall take all necessary steps to conclude its business and cease  
25 operations. The commission shall prepare a financial statement  
26 disclosing all expenditures made by the commission. The official  
27 record shall contain all relevant information developed by the  
28 commission pursuant to carrying out its duties under this chapter,  
29 data collected, minutes of meetings, written communications, and  
30 other information of a similar nature. The commission shall provide  
31 for the permanent preservation of this official record. Once the  
32 commission ceases to exist, any budget surplus shall revert to the  
33 state general fund.

34        (2) The commission shall cease to exist forty-five days after the  
35 date established by section 9 of this act for submission of a plan to  
36 the legislature.

1        NEW SECTION. Sec. 11. There is added to chapter 34.04 RCW a new  
2 section to read as follows:

3 The provisions of this chapter 34.04 RCW do not apply to the  
4 temporary commission created under this 1983 act.

5        NEW SECTION. Sec. 12. This act is temporary in nature and need  
6 not be codified in the Revised Code of Washington. Any plans adopted  
7 under this act shall be codified in the Revised Code of Washington.

8        NEW SECTION. Sec. 13. This act is necessary for the immediate  
9 preservation of the public peace, health, and safety, the support of  
10 the state government and its existing public institutions, and shall  
11 take effect immediately.

Passed the House February 3, 1983.

*Wayne Ellin*  
Speaker of the House.

Passed the Senate February 3, 1983.

*John A. Cherberg*  
President of the Senate.

Reprinted