
HOUSE BILL 2030

State of Washington 64th Legislature 2015 Regular Session

By Representatives Manweller, Haler, Buys, and Shea

Read first time 02/09/15. Referred to Committee on Judiciary.

1 AN ACT Relating to establishing districts from which supreme
2 court justices are elected; amending RCW 29A.76.040, 44.05.020,
3 44.05.030, 44.05.060, 44.05.090, 44.05.100, and 44.05.120; adding a
4 new chapter to Title 29A RCW; creating a new section; and providing a
5 contingent effective date.

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

7 NEW SECTION. **Sec. 1.** This act may be known as the supreme court
8 social justice act.

9 **Sec. 2.** RCW 29A.76.040 and 2003 c 111 s 1904 are each amended to
10 read as follows:

11 (1) With regard to functions relating to census, apportionment,
12 and the establishment of legislative (~~and~~), congressional, and
13 supreme court districts, the secretary of state shall:

14 (a) Coordinate and monitor precinct mapping functions of the
15 county auditors and county engineers;

16 (b) Maintain official state base maps and correspondence lists
17 and maintain an index of all such maps and lists;

18 (c) Furnish to the United States bureau of the census as needed
19 for the decennial census of population, current, accurate, and easily
20 readable versions of maps of all counties, cities, towns, and other

1 areas of this state, which indicate current precinct boundaries
2 together with copies of the census correspondence lists.

3 (2) The secretary of state shall serve as the state liaison with
4 the United States bureau of census on matters relating to the
5 preparation of maps and the tabulation of population for
6 apportionment purposes.

7 NEW SECTION. **Sec. 3.** (1) Supreme court districts may not be
8 drawn or applied in a manner that denies a protected class an equal
9 opportunity to elect candidates of its choice or an equal opportunity
10 to influence the outcome of an election. This means that: (a) The
11 minority group is sufficiently large and geographically compact to
12 constitute a majority in a single-member district; (b) the minority
13 group is politically cohesive; and (c) the white majority votes
14 sufficiently as a bloc to enable it usually to defeat the minority's
15 preferred candidate.

16 (2) A supreme court district is in violation of this section when
17 it is shown that:

18 (a) The elections in the district exhibit, considering the
19 totality of the circumstances, polarized voting; and

20 (b) Members of a protected class do not have an equal opportunity
21 to elect candidates of their choice or an equal opportunity to
22 influence the outcome of an election for a candidate for supreme
23 court.

24 (3) In determining whether there is polarized voting under this
25 section, a court shall analyze elections for members of the supreme
26 court. The election of candidates who are members of a protected
27 class and who were elected prior to the filing of an action pursuant
28 to this chapter shall not preclude a finding of polarized voting that
29 results in an unequal opportunity for a protected class to elect
30 candidates of their choice or influence the outcome of elections.

31 (4) The court shall determine whether polarized voting has
32 occurred by examining results of elections in which at least one
33 candidate is a member of a protected class. Only elections conducted
34 prior to the filing of an action pursuant to this chapter shall be
35 used to establish or rebut the existence of polarized voting that
36 results in an unequal opportunity for a protected class to elect
37 candidates of their choice.

38 (5) Members of different protected classes may file an action
39 jointly pursuant to this chapter if they demonstrate that their

1 combined voting preferences as a group are different from the rest of
2 the electorate and demonstrate based on the totality of the
3 circumstances that there is polarized voting that results in an
4 unequal opportunity for these protected classes to elect candidates
5 of their choice.

6 (6) In an action filed pursuant to this section, the trial court
7 shall set a trial to be held no later than one hundred eighty days
8 after the filing of a complaint, and shall set a discovery and
9 motions calendar accordingly.

10 (7) Proof of intent on the part of the voters or elected
11 officials to discriminate against a protected class is not required.

12 (8) For purposes of any applicable statute of limitations, a
13 cause of action under this section arises every time there is an
14 election for supreme court justices pursuant to an at-large method of
15 election or a district-based election which includes at least one
16 candidate with credible qualifications of a protected class.

17 (9) The plaintiff's constitutional right to secrecy of the
18 plaintiff's vote is not waived by the filing of any action pursuant
19 to this chapter and is not subject to discovery.

20 (10) In seeking a temporary restraining order of a preliminary
21 injunction, a plaintiff shall be required to post a bond or any other
22 security in order to secure such equitable relief.

23 NEW SECTION. **Sec. 4.** Upon a finding of a violation of section 3
24 of this act, the court shall implement appropriate remedies,
25 including notifying the legislature to call for a reconvening of the
26 redistricting commission. Any proposed districts by the commission
27 must be submitted to the court prior to its implementation. The court
28 may raise concerns with the redistricting commission if it suspects
29 the remedy will not rectify the legal problem.

30 NEW SECTION. **Sec. 5.** A voter who voted in the election and who
31 is a member of a protected class and who resides in the supreme court
32 district where a violation of section 3 of this act is alleged may
33 file an action in the superior court of the county in which the
34 resident resides or the two nearest judicial districts as determined
35 pursuant to RCW 36.01.050(2). There is no requirement that an action
36 filed pursuant to this chapter be filed as a class action.

1 **Sec. 6.** RCW 44.05.020 and 2011 c 60 s 41 are each amended to
2 read as follows:

3 The definitions set forth in this section apply throughout this
4 chapter, unless the context requires otherwise.

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

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

9 (3) "Lobbyist" means an individual required to register with the
10 Washington public disclosure commission pursuant to RCW 42.17A.600.

11 (4) "Plan" means a plan for legislative ~~((and))~~ congressional,
12 and supreme court redistricting mandated by Article II, section 43 of
13 the state Constitution.

14 **Sec. 7.** RCW 44.05.030 and 1984 c 13 s 1 are each amended to read
15 as follows:

16 A redistricting commission shall be established in January of
17 each year ending in one to accomplish state legislative ~~((and))~~
18 congressional, and supreme court redistricting. The five-member
19 commission shall be appointed as follows:

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

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

29 (3) No later than January 31st of the year of their selection,
30 the four appointed members, by an affirmative vote of at least three,
31 shall appoint and certify to the chief election officer the nonvoting
32 fifth member who shall act as the commission's chairperson. If by
33 January 31st of the year of their selection three of the four voting
34 members fail to elect a chairperson, the supreme court shall within
35 five days certify an appointment to the chief election officer. A
36 vacancy on the commission shall be filled by the person who made the
37 initial appointment, or their successor, within fifteen days after
38 the vacancy occurs.

1 **Sec. 8.** RCW 44.05.060 and 1984 c 13 s 3 are each amended to read
2 as follows:

3 No member of the commission may:

4 (1) Campaign for elective office while a member of the
5 commission;

6 (2) Actively participate in or contribute to any political
7 campaign of any candidate for state or federal elective office while
8 a member of the commission; or

9 (3) Hold or campaign for a seat in the state house of
10 representatives, the state senate, the state supreme court, or
11 congress for two years after the effective date of the plan.

12 **Sec. 9.** RCW 44.05.090 and 1990 c 126 s 1 are each amended to
13 read as follows:

14 In the redistricting plan:

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

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

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

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

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

33 (3) The commission's plan and any plan adopted by the supreme
34 court under RCW 44.05.100(4) shall provide for forty-nine legislative
35 districts and supreme court districts.

36 (4) The house of representatives shall consist of ninety-eight
37 members, two of whom shall be elected from and run at large within
38 each legislative district. The senate shall consist of forty-nine
39 members, one of whom shall be elected from each legislative district.

1 (5) The commission shall exercise its powers to provide fair and
2 effective representation and to encourage electoral competition. The
3 commission's plan shall not be drawn purposely to favor or
4 discriminate against any political party or group.

5 **Sec. 10.** RCW 44.05.100 and 2002 c 4 s 1 are each amended to read
6 as follows:

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

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

19 (3) The plan approved by the commission, with any amendment
20 approved by the legislature, shall be final upon approval of such
21 amendment or after expiration of the time provided for legislative
22 amendment by subsection (2) of this section whichever occurs first,
23 and shall constitute the districting law applicable to this state for
24 legislative and congressional elections, beginning with the next
25 elections held in the year ending in two. This plan shall be in force
26 until the effective date of the plan based upon the next succeeding
27 federal decennial census or until a modified plan takes effect as
28 provided in RCW 44.05.120(6).

29 (4) If three of the voting members of the commission fail to
30 approve and submit a plan within the time limitations provided in
31 subsection (1) of this section, the supreme court shall adopt a plan
32 by March 1st of the year ending in two. Any such plan approved by the
33 court is final and constitutes the districting law applicable to this
34 state for legislative and congressional elections, beginning with the
35 next election held in the year ending in two. Any plan adopted
36 pursuant to direction of the courts must subsequently be approved by
37 the legislature. This plan shall be in force until the effective date
38 of the plan based on the next succeeding federal decennial census or
39 until a modified plan takes effect as provided in RCW 44.05.120(6).

1 **Sec. 11.** RCW 44.05.120 and 1983 c 16 s 12 are each amended to
2 read as follows:

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

7 (2) RCW 44.05.050 governs the eligibility of persons to serve on
8 the reconvened commission. A vacancy involving a voting member of the
9 reconvened commission shall be filled by the person who made the
10 initial appointment, or their successor, within fifteen days after
11 the effective date of the legislation reconvening the commission. A
12 vacancy involving the nonvoting member of the commission shall be
13 filled by an affirmative vote of at ~~((lease--{least}))~~ least three of
14 four voting members, within fifteen days after all other vacancies
15 are filled or, if no other vacancies exist, within fifteen days after
16 the effective date of the legislation reconvening the commission. A
17 subsequent vacancy on a reconvened commission shall be filled by the
18 person or persons who made the initial appointment, or their
19 successor, within fifteen days after the vacancy occurs. If any
20 appointing authority fails to make a required appointment within the
21 time limitations established by this subsection, within five days
22 after that date the supreme court shall make the required
23 appointment.

24 (3) The provisions of RCW 44.05.070 and 44.05.080 are applicable
25 if a commission is reconvened under this section.

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

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

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

6 (7) Following the period provided by subsection (4) of this
7 section for the commission's approval of a modification to the
8 redistricting plan, the commission shall take all necessary steps to
9 conclude its business and cease operations in accordance with RCW
10 44.05.110(1). A reconvened commission shall cease to exist ninety
11 days after the effective date of the legislation reconvening the
12 commission, unless the supreme court extends the commission's term.

13 NEW SECTION. **Sec. 12.** This act takes effect if the proposed
14 amendment to Article II, section 43 and Article IV, section 3 of the
15 state Constitution creating districts from which supreme court
16 justices will be elected is validly submitted to and is approved and
17 ratified by the voters at a general election held in November 2015.
18 If the proposed amendment is not so approved and ratified, this act
19 is null and void in its entirety.

20 NEW SECTION. **Sec. 13.** Sections 3 through 5 of this act
21 constitute a new chapter in Title 29A RCW.

--- END ---