

Redistricting in Washington



WASHINGTON
(status quo)

KEY POINTS:

The legislature currently establishes a bi-partisan commission for the purpose of redistricting Congressional and state legislative districts. Congressional and legislative redistricting are controlled by Article II, Section 43 of the Washington Constitution and the Washington Redistricting Act, RCWA 44.05. Municipal and county redistricting are controlled by statute. *See* RCWA 29A.76.010.

The Districting Commission is composed of five members. The legislative leader of the two largest political parties in each house of the legislature appoints one voting member to the commission. The four appointed members select the remaining non-voting member who serves as chairperson. No elected official and no person elected to legislative district, county or state political party office within the last two years, can serve on the commission. *See* RCWA 44.05.050. If the commission fails to pass a districting plan, the responsibility will fall to the Washington Supreme Court.

In the 2001 cycle, the districting commission was divided, with two Democrats and two Republicans, headed by a nonpartisan, nonvoting chairman. The commission failed to meet the required deadline and the Supreme Court took control and completed both congressional and legislative redistricting.

PROCESS:

The legislature establishes the commission to provide for the redistricting of Congressional and state legislative districts. The Districting Commission is composed of five members. The legislative leader of the two largest political parties in each house of the legislature appoints one voting member to the commission. The four appointed members, by an affirmative vote of at least three, will appoint the remaining member. The fifth member is non-voting and serves as the chairperson. The commission must complete redistricting as soon as possible following the federal census, but no later than January 1st of each year ending in two. After completion of the plan, the Redistricting Commission submits the plan to the legislature.

After submission of the plan by the commission, the legislature shall have the next thirty days during any regular or special session to amend the commission's plan. The legislature may amend a districting plan but must do so by a two-thirds vote. After the 30th day, the plan, with any legislative amendments, constitutes the state districting law.

If the commission fails to approve a plan within the time limitation the Supreme Court must adopt a plan by April 30th.

- **Independence from Legislators:** Some, the legislators do not establish districting plans but they can amend or modify a plan. The legislators also determine four of the five members of the districting commission. No elected official and no person elected to legislative district, county or state political party office within the last two years, can serve on the commission.
- **Partisan Balance:** The commission will theoretically have a balanced partisan composition, with the legislative leader of the two largest political parties in each house of the legislature appointing one voting member to the commission. The four appointed members, by an affirmative vote of at least three, will appoint the remaining member. The fifth member is non-voting, non-partisan and serves as the chairperson.

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If the commission fails to meet any of its duties, control will fall upon the Supreme Court. This process has the potential to foster decision making with a partisan balance.

- **Minority Participation:** There are no specific provisions for reflecting diversity in the commission's membership and the commission's relatively small size makes such diversity difficult to ensure.
- **Public Input:** There are no specific provisions for the public to present or comment on districting plans. In practice, the public provides input on plans through community meetings held throughout the state. *See* <http://www.redistricting.wa.gov/forums.asp>.
- **Timing:** The commission must complete redistricting as soon as possible following the federal census, but no later than January 1st of each year ending in two (January 1, 2012).

CRITERIA:

Congressional and legislative districts are subject to constitutional and statutory limitations. Redistricting principles for compactness, respecting political boundaries and equal population are found in Washington's constitution or statutes. *See* RCWA 44.05.090.

Each district should contain a population, as nearly as reasonable, excluding nonresident military personnel, based on the population reported in the federal decennial census. Districts should also be composed of convenient, contiguous, and compact territory. Land areas are considered contiguous if they share a common land border or are connected by a ferry, highway, bridge, or tunnel. District lines should be drawn to coincide with the boundaries of local political subdivisions and areas recognized as communities of interest. The number of counties and municipalities divided among more than one district should be as small as possible.

- **Population Equality:** There is an express provision that the state must rely on the count conducted by the federal census (which counts incarcerated persons where they are incarcerated).
- **Minority Rights:** There are no provisions for protection of minority rights other than federal law.
- **Compactness:** There is a general requirement that districts be reasonably compact, convenient and contiguous.
- **District Competition:** There is a provision that lines shall not be drawn to purposely favor or discriminate against any political party or group.
- **Preservation of Political Boundaries:** There is a provision encouraging the preservation of political boundaries.
- **Communities of Interest:** There is a general provision that lines shall be drawn to coincide with areas recognized as communities of interest.
- **Nesting:** There is no requirement to nest assembly districts within senate districts.
- **Incumbent Residence:** The current criteria do not prohibit those drawing the lines from considering the residences of incumbents, allowing intentional harm (or benefit) to individual legislators, but also reducing the likelihood of unintentional impact on incumbents.