
SENATE BILL 6688

State of Washington

66th Legislature

2020 Regular Session

By Senators Saldaña and Hunt

1 AN ACT Relating to requiring certain counties, cities, and towns
2 to obtain preclearance before instituting voting qualifications,
3 prerequisites, standards, practices, or procedures; amending RCW
4 29A.92.010; and adding a new section to chapter 29A.92 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.92
7 RCW to read as follows:

8 (1)(a) Prior to enacting or seeking to administer any voting
9 qualification or prerequisite to voting, or any standard, practice,
10 or procedure with respect to voting, that is a covered practice, the
11 governing body of a covered jurisdiction shall either:

12 (i) Institute an action in superior court for a declaratory
13 judgment that the covered practice:

14 (A) Does not have the purpose or the effect of denying or
15 abridging the right to vote on account of race, color, or membership
16 in a language minority group; and

17 (B) Will not result in the retrogression in the position of
18 persons based on race, color, or membership in a language minority
19 group with respect to their effective exercise of the electoral
20 franchise; or

1 (ii) Submit such covered practice to the attorney general for
2 issuance of a certification that no objection exists to the enactment
3 or administration by the covered jurisdiction of the covered
4 practice.

5 (b) The attorney general, or any person whose opportunity to vote
6 is affected by a covered practice that has been enacted or
7 administered by a covered jurisdiction, may institute an action in
8 superior court to compel the governing body of the jurisdiction to
9 institute an action for a declaratory judgment or to seek issuance of
10 a certification of no objection pursuant to this subsection.

11 (2)(a) No qualification, prerequisite, standard, practice, or
12 procedure that is a covered practice is effective until the superior
13 court has entered a declaratory judgment or the attorney general has
14 issued a certification of no objection.

15 (b) A certification of no objection is deemed to have been issued
16 if:

17 (i) The attorney general does not issue an objection within sixty
18 days of the governing body's submission; or

19 (ii) The attorney general affirmatively indicates that no such
20 objection will be made, upon a showing of good cause to facilitate an
21 expedited approval within sixty days of the governing body's
22 submission.

23 (c) An affirmative indication by the attorney general that no
24 objection will be made, the attorney general's failure to object, or
25 a declaratory judgment entered by the superior court pursuant to this
26 section does not bar a subsequent action to enjoin enforcement of any
27 qualification, prerequisite, standard, practice, or procedure.

28 (d) If the attorney general affirmatively indicates that no
29 objection will be made within the sixty-day period following the
30 receipt of the governing body's submission, the attorney general may
31 reserve the right to reexamine the submission if additional
32 information that would otherwise require objection in accordance with
33 this section comes to his or her attention during the remainder of
34 the sixty-day period.

35 (3) If the attorney general objects to a covered practice
36 submitted by a covered jurisdiction, the governing body of such
37 jurisdiction may file an appeal to the objection in superior court.

38 (4) If the attorney general issues a certification of no
39 objection to a covered practice submitted by a covered jurisdiction,
40 any person whose opportunity to vote is affected by the covered

1 practice may file an action in superior court to appeal the attorney
2 general's issuance of a certification of no objection.

3 (5) In any action filed pursuant to this subsection, the superior
4 court shall enjoin the enactment or administration of the covered
5 practice that is the subject of the action unless it determines that
6 the covered practice neither has the purpose or effect of denying or
7 abridging the right to vote on account of race or color or membership
8 in a language minority group nor will it result in the retrogression
9 in the position of members of a racial or ethnic group with respect
10 to their effective exercise of the electoral franchise.

11 (6) As early as practicable each calendar year, the attorney
12 general shall, in consultation with the secretary of state, the
13 office of financial management, and other relevant agencies,
14 determine which counties, cities, and towns have a voting age
15 population that contains two or more racial or ethnic groups, each
16 constituting at least ten percent of the voting age population of the
17 county, city, or town. The attorney general shall publish the list of
18 these counties, cities, and towns on a web site established and
19 maintained for this purpose. A determination made pursuant to this
20 subsection is effective upon publication.

21 **Sec. 2.** RCW 29A.92.010 and 2018 c 113 s 103 are each amended to
22 read as follows:

23 The definitions in this section apply throughout this chapter
24 unless the context clearly requires otherwise. In applying these
25 definitions and other terms in this chapter, courts may rely on
26 relevant federal case law for guidance.

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

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

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

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

37 (2) "Covered jurisdiction" means a county, city, or town that is
38 determined pursuant to section 1(6) of this act to have a voting age

1 population that contains two or more racial or ethnic groups which
2 each constitute at least ten percent of its voting age population.

3 (3) "Covered practice" means:

4 (a) Any change to the method of election of members of a
5 governing body by adding seats elected at-large or by converting one
6 or more seats elected from a single-member district to one or more
7 at-large seats or seats from a multimember district;

8 (b) Any change, or series of changes within a twelve-month
9 period, to the boundaries of the covered jurisdiction that reduces by
10 more than five percentage points the proportion of the jurisdiction's
11 voting age population that is composed of members of a single racial
12 or language minority group, as determined by the most recent American
13 community survey data;

14 (c) Any change to the boundaries of election districts or wards
15 in the covered jurisdiction or to the boundary lines of the covered
16 jurisdiction;

17 (d) Any change that restricts the ability of any person to
18 provide interpreter services to voters in any language other than
19 English or which limits or impairs the creation or distribution of
20 voting materials in any language other than English;

21 (e) Any change that reduces the number of or consolidates or
22 relocates voting centers or ballot drop boxes in the covered
23 jurisdiction, except where permitted by law in the event of an
24 emergency; or

25 (f) Any change to the covered jurisdiction's plan of government
26 or change included in the framing of a charter.

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

32 ~~((3))~~ (5) "Polarized voting" means voting in which there is a
33 difference, as defined in case law regarding enforcement of the
34 federal voting rights act, 52 U.S.C. 10301 et seq., in the choice of
35 candidates or other electoral choices that are preferred by voters in
36 a protected class, and in the choice of candidates and electoral
37 choices that are preferred by voters in the rest of the electorate.

38 ~~((4))~~ (6) "Political subdivision" means any county, city, town,
39 school district, fire protection district, port district, or public
40 utility district, but does not include the state.

1 (~~(5)~~) (7) "Protected class" means a class of voters who are
2 members of a race, color, or language minority group, as this class
3 is referenced and defined in the federal voting rights act, 52 U.S.C.
4 10301 et seq.

5 NEW SECTION. **Sec. 3.** If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 remainder of the act or the application of the provision to other
8 persons or circumstances is not affected.

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