

PROPOSED AMENDMENT TO THE STATE CONSTITUTION

Requiring Legislative and
Congressional Reapportionment

TO BE VOTED UPON NOVEMBER 4, 1958

OFFICIAL BALLOT TITLE

SENATE JOINT RESOLUTION NO. 12

REQUIRING LEGISLATIVE AND CONGRESSIONAL
REAPPORTIONMENT

Shall the state constitution be amended to provide that, upon the legislature's failure to reapportion its members and to revise legislative and congressional district boundaries after each federal census, or to revise congressional district boundaries after each congressional reapportionment, such redistricting and/or reapportionment shall be undertaken by a seven-member commission, including one each from labor, industry and agriculture appointed by the governor, the secretary of state, a supreme court judge, and two state legislators, one from each major party?

Be It Resolved, By the Senate and House of Representatives of the State of Washington in legislative session assembled:

THAT, At the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1958, there shall be submitted to the qualified electors of this state, for their approval and ratification, or rejection, an amendment to the Constitution of the State of Washington, by striking all of section 3 from Article II, and all of section 13 from Article XXVII, and inserting in lieu thereof the following, to be known as section 3 of Article II:

Section 3. (1) At the first legislative session after the final population figures determined for the State of Washington by the United States decennial census have been made available, and the first legislative session after each succeeding decennial census the legislature shall reapportion the members of the senate

and house of representatives, and shall revise legislative and congressional district boundaries, according to the number of inhabitants as determined by the preceding federal decennial census, so that each senatorial, representative, and congressional district will have, as nearly as practicable, a number of inhabitants equal to that of like districts: *Provided*, That in the event the number of members of the United States House of Representatives allotted to the State of Washington is changed by congressional reapportionment, congressional redistricting shall be accomplished by the legislature at the first legislative session to which the reapportionment certificate is made available.

The number of congressional districts shall be equal to the number of members of the United States House of Representatives allotted to this state.

The legislature may provide for a determination of the population of any or all parts of the state to be used for the

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purpose of reapportionment and redistricting of the legislature and congressional redistricting, if a federal decennial census fails to supply the requisite information in a period of two years.

(2) Each legislative and each congressional district shall be of compact and contiguous territory, and all members of the legislature shall be elected by single districts. Legislation enacted in order to effect reapportionment and redistricting of the legislature shall be separate from that for congressional redistricting. Each reapportionment and redistricting of the legislature and each congressional redistricting shall be appropriately mapped and shall become effective at the state-wide general election which next succeeds its accomplishment. When so effected, reapportionment and redistricting of the legislature and congressional redistricting shall thereafter be subject to alteration only for corrections or minor revisions, until the time specified herein, after the next succeeding federal decennial census: *Provided*, If the number of members in the United States House of Representatives shall be changed after any congressional redistricting as herein provided, then the next session of the legislature shall again redistrict the congressional districts as herein provided.

(3) A reapportionment and redistricting commission of the State of Washington (hereinafter referred to as "the commission") is hereby established, which shall be composed of the following seven members: The secretary of state, who shall be chairman thereof, three persons to be appointed by the governor, one to be a representative of labor, one of agriculture, and one of industry, no more than two of whom shall be from the same political party, one member of the supreme court to be appointed by the chief justice of the supreme court, and two members to be appointed jointly by the president of the senate and speaker of the house of representatives at the last preceding regular session of the legislature, one being from each of the two major political parties. A majority of said commission shall constitute a quorum.

If the legislation effecting either re-

apportionment and redistricting of the legislature or congressional redistricting, or both, is not enacted at any of the first legislative sessions designated in subsection (1) of this section, the commission shall meet within twenty days after the adjournment of that session and shall, within one hundred and eighty days immediately thereafter, in accordance with the requirements of subsection (1) and (2) of this section, complete and file with the secretary of state the reapportionment and redistricting of the legislature or the congressional redistricting, or both, which has not been accomplished by legislative enactment. The reapportionment and redistricting of the legislature shall be embodied in a document separate from that for congressional redistricting.

Reapportionment and redistricting of the legislature of congressional redistricting accomplished by the commission shall be signed by four or more members of the commission; when so executed and filed with the secretary of state, they shall have the force and effect of an act of the legislature, and shall be subject only to judicial review.

Any act reapportioning and redistricting the legislature, or congressional redistricting act, passed by the legislature and vetoed, in whole or in part, during any legislative session, shall thereby be rendered entirely inoperative, unless thereafter approved by the legislature in accordance with constitutional requirements so as to become law during that session, and if vetoed, in whole or in part, after the legislature has adjourned, shall not be presented to the legislature at its next session for further action, notwithstanding the veto provisions of section 12 of Article III of the Constitution of the State of Washington, and the commission shall meet within twenty days after the adjournment of such session, and shall function in the manner and within the time herein prescribed.

If the required legislation is enacted, referred to the people, and rejected by referendum vote, the commission shall meet within twenty days after the adjournment of the legislative session next following the election at which the measure was submitted to referendum, and

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shall function in the manner and within the time herein prescribed. The legislature shall not act on reapportionment or redistricting at that session.

Any complaint contesting the validity of a reapportionment and redistricting of the legislature or congressional redistricting accomplished either by the legislature or by the commission shall be filed with the clerk of the state supreme court within ninety days, either after the adjournment of the legislative session during which the legislation was enacted or after the date on which the commission files its reapportionment and redistricting of the legislature and congressional redistricting with the secretary of state, as the case may be, and the supreme court shall file its opinion with respect thereto with the clerk of the court at the earliest practicable date, but not later than one hundred and eighty days after the date on which the complaint is filed.

If a reapportionment and redistricting of the legislature, or the commission, or congressional redistricting is held invalid, in whole or in part, by the supreme court, it shall be inoperative, and the commission shall meet within twenty days after the supreme court opinion is filed and has become final, exclusive of court costs, and shall function in the manner and within the time herein prescribed.

(4) If, by reason of removal, resignation, death, or disability, any member of the commission is unable to perform the duties of the office which qualifies him to serve as a member of the commission, as specified in subsection (3) of this section, his duties shall be performed by his suc-

cessor in office but if there be none then the governor shall appoint a person to perform such duties: *Provided*, That if such vacancy occurs in the position of either of the committee chairmen such vacancy shall be filled from the membership of the committee of which he was chairman.

(5) The state supreme court shall have original jurisdiction (to be exercised on application of any citizen and taxpayer) to compel (by mandamus or otherwise) the commission to perform its duties, and to determine the validity of any legislative reapportionment and redistricting and congressional redistricting accomplished either by the legislature or by the commission.

(6) All members of the commission shall be reimbursed for travel, subsistence, clerical, technical, and professional aid, and all other necessary expenses incurred by them in the performance of their duties. Vouchers therefor may be drawn upon funds appropriated generally for legislative expenses, or upon any special fund which may be provided.

(7) The existing section 3 of Article II and section 13 of Article XXVII of the Constitution of the State of Washington are repealed.

Passed the Senate March 12, 1957.

JOHN A. CHERBERG,
President of the Senate.

Passed the House March 11, 1957.

JOHN L. O'BRIEN,
Speaker of the House.

STATE OF WASHINGTON—ss.

Filed in the office of the Secretary of State March 14, 1957.

VICTOR A. MEYERS, *Secretary of State.*

Argument *FOR* Senate Joint Resolution No. 12

Mrs. Robert J. Stuart, President, League of Women Voters of Washington, states the position of her organization as follows:

“The League of Women Voters of Washington believes that SJR 12, while not a perfect measure, is a reasonable next step toward accomplishment of its long-range goal of achieving a representative legislature. It provides machinery for reapportionment and redistricting at regular intervals following the federal census.

“SJR 12 meets the standards, agreed upon by League members, that such a measure provide for an alternate agency, if the Legislature fails to act, and that provision be made for court review of such reapportionment within a specified time.”

* * * * *

Equality of representation is desirable in a democracy.

Some parts of our state presently have six times as much representation in our Legislature as do other parts of the state.

The result is that hundreds of thousands of voters are owners of second class votes; thousands more constantly are in danger of being placed in that position.

The framers of our State Constitution provided for equality of legislative representation by requiring reapportionment after each census. This requirement has been ignored by the Legislature.

Senate Joint Resolution No. 12 would eliminate this problem. It is the result of a careful study by a special sub-committee of the State of Washington Legislative Council.

Enactment of SJR No. 12 will provide the means to assure action by the Legislature so that equality of representation prevails.

Vote *YES* on Senate Joint Resolution No. 12!

WILBUR G. HALLAUER, State Senator
Okanogan & Douglas Counties
Oroville, Washington

STATE OF WASHINGTON—ss.

Filed in the office of the Secretary of State August 11, 1958.

VICTOR A. MEYERS, *Secretary of State.*