



# SENATE JOINT RESOLUTION 103

## PROPOSED CONSTITUTIONAL AMENDMENT

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of Senate Joint Resolution 103 begins on page 10.

Vote cast by the members of the 1983 Legislature on final passage:  
HOUSE: Yeas, 85; Nays, 10; Absent or not voting, 3.  
SENATE: Yeas, 42; Nays, 4; Absent or not voting, 3.

### Official Ballot Title:

Shall a commission be appointed by legislative leaders to redistrict legislative and congressional districts each decade based on equal population?

### The law as it now exists:

The State of Washington is divided into congressional and legislative districts for the purpose of electing members of the federal Congress and the state legislature. Under the "one-man-one-vote" rule, those legislative and congressional districts are required to be basically equal in population as determined by the last preceding federal census.

Under existing state law the function of establishing the boundaries of legislative and congressional districts is vested in the state legislature. If the legislature fails to act in a constitutionally valid manner, the federal court may take over and perform the function as occurred in this state in 1972.

### The effect of SJR 103, if approved into law:

This proposed Constitutional amendment would provide for the appointment of a redistricting commission after each decennial federal census. The commission would be composed of five members, four of whom would be appointed by the legislative leaders of the two largest political parties in each house of the state legislature. Those four, in turn, would then select the fifth member as a nonvoting chairperson. If appointments are not made as required, then the State Supreme Court is directed to make the appointments.

The commission would be responsible, on the basis of population determined by the particular census, for the adoption of revised congressional and legislative redistricting plans. In addition to meeting the standard of population equality, each district established by the commission would be required to consist of contiguous territory, be compact and convenient, be separated from adjoining districts by natural geographical barriers, artificial barriers, or political subdivision boundaries to the extent reasonable. The commission's plan must provide for the number of legislative districts established by the legislature. Further, the plan is to be drawn so as not to purposely favor or discriminate against any political party or group.

The legislature could amend such redistricting plans, but only by a two-thirds vote of the members of the legislature. Any such amendment would also have to be passed by both houses no later than the end of the thirtieth day of the first session convened after the commission has submitted its plan to the legislature.

## Statement for

Redistricting of congressional and legislative districts helps to ensure that each citizen is adequately represented in Congress and Olympia. Legislative efforts at redistricting have inevitably turned into a time consuming and highly partisan process and frequently have resulted in a redistricting plan that fails to meet constitutional standards. SSJR 103 avoids these difficulties as the Legislature appoints four Washington citizens as commission members who are given the power to independently appoint a fifth member and independently redraw the districts. The Legislature retains limited authority to fine-tune the commission's redistricting plan.

The redistricting process envisioned by SSJR 103 will work. In 1983, after the federal courts declared the Legislature's latest effort at congressional redistricting unconstitutional, a temporary redistricting commission was created to draw congressional district boundaries. That commission performed its task well. Operating under guidelines which were basically the same as those in SSJR 103, including procedures for selecting commission members, the temporary commission produced a plan which is fair, recognizes traditional communities of interest, and is constitutional. Passage of SSJR 103 will ensure that future redistricting efforts will be carried out in the same fair and independent fashion, and that the Legislature will not grind to a halt as members pursue their concern about districts suited to their ambitions.

## Rebuttal of Statement against

To the contrary, fears of an unfair and unworkable redistricting plan are well-founded in Washington. Since 1889, the Legislature has accomplished redistricting only four times.

In 1972, after the Legislature failed to adopt the redistricting plan, a federal court ordered a master's redistricting plan into effect. The work of the temporary commission in 1983 speaks very well for the future of a permanent, independent commission.

### Voters' Pamphlet Statement Prepared by:

PHIL TALMADGE, State Senator; PAUL PRUITT, State Representative; DICK HEMSTAD, State Senator.

Advisory Committee: DICK BARNES, State Representative; KAREN MARCHIORO, Washington State Democratic Central Committee; CHUCK SAUVAGE, Common Cause; ANN HOMAN, League of Women Voters; MARILYN KNIGHT, League of Women Voters.

## Statement against

### COMMISSIONS DON'T GUARANTEE IMPARTIALITY

The strongest argument against entrusting reapportionment to an appointed commission is that commissions are not responsible to the people. The framers of our Constitution chose wisely when they delegated the job to the elected representatives of the people.

### LEGISLATURES HAVE BETTER RECORD

The 1981 Legislature did an equitable job of reapportionment. The court accepted the plan and the 1982 election proves the point. No wild swing took place. There is no such thing as a "non-partisan" reapportionment. Under SSJR 103, the commission would be composed of five members. Two would be Republican and two would be Democrat. These four would supposedly pick a "non-partisan" person to be the non-voting chairman. Can you imagine serving on such a commission? Every commission, in other states, has experienced partisan discord.

In the 70's, forty State Legislatures had the responsibility for redistricting. In eleven of the forty, the courts stepped in and did the job, or 28%. One Legislature did the job with a back-up board. The remaining twenty-eight State Legislatures drew acceptable plans—70%. Of the remaining ten states, who had commissions, five ended in court, a 50% failure rate.

### FEARS UNFOUNDED

The fears of an unfair redistricting are unfounded in Washington. This is a state that has a great populist tradition. Referendum and initiative were adopted early making machine politics almost impossible. Blanket primaries, precinct caucuses, and the easy movement between parties create an open style

in our politics. These factors negate the claim of an unfair redistricting by the Legislature.

## Rebuttal of Statement for

The court threw out the Legislature's congressional redistricting because of a 1.35% deviation, not because of the Everett issue. The attorney general failed to argue the deviation issue and show that it was logical and necessary. Other states have been granted 3.5% deviation. No, SSJR 103 will not work as well; it gives the Party King makers total power, either the fifth man will side with one of the parties or the other.

### Voters' Pamphlet Statement Prepared by:

SAM C. GUESS, State Senator; DICK BOND, State Representative.



## COMPLETE TEXT OF Senate Joint Resolution 103

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to the Constitution of the state of Washington, by repealing Article II, section 3 and Article XXVII, section 13 thereof and adding a new section to Article II thereof to read as follows:

Article II, section \_\_\_\_\_. (1) In January of each year ending in one, a commission shall be established to provide for the redistricting of state legislative and congressional districts.

(2) The commission shall be composed of five members to be selected as follows: The legislative leader of the two largest political parties in each house of the legislature shall appoint one voting member to the commission by January 15th of each year ending in one. By January 31st of each year ending in one, the four appointed members, by an affirmative vote of at least three, shall appoint the remaining member. The fifth member of the commission, who shall be nonvoting, shall act as its chairperson. If any appointing authority fails to make the required appointment by the date established by this subsection, within five days after that date the supreme court shall make the required appointment.

(3) No elected official and no person elected to legislative district, county, or state political party office may serve on the commission. A commission member shall not have been an elected official and shall not have been an elected legislative district, county, or state political party officer within two years of his or her appointment to the commission. The provisions of this subsection do not apply to the office of precinct committee person.

(4) The legislature shall enact laws providing for the implementation of this section, to include additional qualifications for commissioners and additional standards to govern the commission. The legislature shall appropriate funds to enable the commission to carry out its duties.

(5) Each district shall contain a population, excluding nonresident military personnel, as nearly equal as practicable to the population of any other district. To the extent reasonable, each district shall contain contiguous territory, shall be compact and convenient, and shall be separated from adjoining districts by natural geographic barriers, artificial barriers, or political subdivision boundaries. The commission's plan shall not provide for a number of legislative districts different than that established by the legislature. The commission's plan shall not be drawn purposely to favor or discriminate against any political party or group.

(6) The commission shall complete redistricting as soon as possible following the federal decennial census, but no later than January 1st of each year ending in two. At least three of the voting members shall approve such a redistricting plan. If three of the voting members of the commission fail to approve a plan within the time limitations provided in this subsection,

the supreme court shall adopt a plan by April 30th of the year ending in two in conformance with the standards set forth in subsection (5) of this section.

(7) The legislature may amend the redistricting plan but must do so by a two-thirds vote of the legislators elected or appointed to each house of the legislature. Any amendment must have passed both houses by the end of the thirtieth day if the first session convened after the commission has submitted its plan to the legislature. After that day, the plan, with any legislative amendments, constitutes the state districting law.

(8) The legislature shall enact laws providing for the reconvening of a commission for the purpose of modifying a districting law adopted under this section. Such reconvening requires a two-thirds vote of the legislators elected or appointed to each house of the legislature. The commission shall conform to the standards prescribed under subsection (5) of this section and any other standards or procedures that the legislature may provide by law. At least three of the voting members shall approve such a modification. Any modification adopted by the commission may be amended by a two-thirds vote of the legislators elected and appointed to each house of the legislature. The state districting law shall include the modifications with amendments, if any.

(9) The legislature shall prescribe by law the terms of commission members and the method of filling vacancies on the commission.

(10) The supreme court has original jurisdiction to hear and decide all cases involving congressional and legislative redistricting.

(11) Legislative and congressional districts may not be changed or established except pursuant to this section. A districting plan and any legislative amendments to the plan are not subject to Article III, section 12 of this Constitution.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.



## COMPLETE TEXT OF Senate Joint Resolution 105

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XV, section 2, of the Constitution of the state of Washington to read as follows:

Article XV, section 2. The legislature shall provide general laws for the leasing of the right to build and maintain wharves, docks and other structures, upon the areas mentioned in section one of this article, but no lease shall be made for any term longer than ~~((thirty))~~ fifty-five years, or the legislature may provide by general laws for the building and maintaining upon such area wharves, docks, and other structures.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.



## COMPLETE TEXT OF Senate Joint Resolution 112

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VIII, section 10, of the Constitution of the state of Washington to read as follows:

Article VIII, section 10. Notwithstanding the provisions of sections 5 and 7 of this Article, until January 1, ~~((1980))~~ 2005 any county, city, town, quasi municipal corporation, municipal corporation, or political subdivision of the state which is engaged in the sale or distribution of energy may, as authorized by the legislature, use public moneys or credit derived from operating revenues from the sale of energy ~~((to assist the owners of residential structures in financing the acquisition and installation of materials and equipment for the conservation or more efficient use of energy in such structures))~~, or lend its credit financed by the issuance of debt instruments secured solely by revenues, to provide financing to individuals, associations, companies, or corporations to be used for the purposes of conserving energy. Except as provided in section 7 of this Article, an appropriate charge back to the recipient shall be made for such extension of public moneys or credit and the same ~~((shall))~~ may be a lien against the ~~((residential))~~ structure or equipment benefited, or against such other adequate security as specified by implementing legislation that the legislature is hereby authorized to enact.

Activities authorized by this section are deemed to be for a public purpose.

Except as to ~~((contracts entered into))~~ bonds and loans issued prior ~~((thereto, this amendment to the state Constitution shall be null and void as of January 1, 1998 and shall have no further force or effect after that date))~~ to January 1, 2005, this section shall expire on January 1, 2005.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

SPECIAL NOTE: The following is the complete text of Chapter 16, Laws of 1983. Although this measure will *not* be voted upon at the state general election on November 8, it contains the implementing statutes for Senate Joint Resolution 103 and will become effective if that proposed constitutional amendment is approved by a majority of the voters. The text of this law is included to facilitate each voter's understanding of the effect of the adoption of that proposed amendment to the state constitution.

AN ACT Relating to reapportionment and redistricting; amending section 27, Chapter 2, Laws of 1982 and RCW 29.70.100; creating a new chapter in Title 44 RCW; repealing section 18, chapter 2, Laws of 1982 and RCW 29.70.010; repealing section 19, chapter 2, Laws of 1982 and RCW 29.70.020; repealing section 20, chapter 2, Laws of 1982 and RCW 29.70.030; repealing section 21, chapter 2, Laws of 1982 and RCW 29.70.040; repealing section 22, chapter 2, Laws of 1982 and RCW 29.70.050; repealing section 23, chapter 2, Laws of 1982 and RCW 29.70.060; repealing section 24, chapter 2, Laws of 1982 and RCW 29.70.070; repealing section 25, chapter 2, Laws of 1982 and RCW 29.70.080; repealing section 26, chapter 2, Laws of 1982 and RCW 29.70.090; repealing section 28, chapter 2, Laws of 1982 and RCW 29.70.110; repealing section 29, chapter 2, Laws of 1982 and RCW 29.70.120; repealing section 30, chapter 2, Laws of 1982 and RCW 29.70.130; repealing section 31, chapter 2, Laws of 1982 and RCW 29.70.900; repealing section 33, chapter 2, Laws of 1982 and RCW 29.70.910; and providing for a contingent effect.

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

**NEW SECTION.** Sec. 1. This act may be cited as the Washington State Redistricting Act.

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

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

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

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

(4) "Plan" means a plan for legislative and congressional redistricting mandated by Article II, section \_\_\_\_\_ of the state Constitution.

**NEW SECTION.** Sec. 3. A redistricting commission shall be established in January of each year ending in one to accomplish state legislative and congressional redistricting. The five-member commission shall be appointed as follows:

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

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

(3) No later than January 31st of the year of their selection, the four appointed members, by an affirmative vote of at least three, shall appoint and certify to the chief election officer the nonvoting fifth member who shall act as the commission's chairperson. A vacancy on the commission shall be filled by the person who made the initial appointment, or their successor, within fifteen days after the vacancy occurs.

**NEW SECTION.** Sec. 4. Before serving on the commission every person shall take and subscribe an oath to faithfully

perform the duties of that office. The oath shall be filed in the office of the secretary of state.

**NEW SECTION.** Sec. 5. No person may serve on the commission who:

(1) Is not a registered voter of the state at the time of selection; or

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

(3) Is or has within six years prior to selection been an elected official.

**NEW SECTION.** Sec. 6. No member of the commission may:

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

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

**NEW SECTION.** Sec. 7. (1) The commission may employ the services of experts, consultants, and support staff, including attorneys not employed by the attorney general, as necessary to carry out its duties pursuant to this chapter.

(2) The chief election officer, the treasurer, and the attorney general shall make available to the commission such personnel, facilities, and other assistance as the commission may reasonably request. The chief election officer shall be the official recipient of all provisional and preliminary census data and maps, and shall forward such data and maps, upon request, to the commission.

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

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

**NEW SECTION.** Sec. 8. In addition to other duties prescribed by law, the commission shall:

(1) Adopt rules pursuant to the Administrative Procedure Act, chapter 34.04 RCW, to carry out the provisions of Article II, section \_\_\_\_\_ of the state Constitution and of this chapter, which rules shall provide that three voting members of the commission constitute a quorum to do business, and that the votes of three of the voting members are required for any official action of the commission;

(2) Act as the legislature's recipient of the final redistricting data and maps from the United States Bureau of the Census;

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

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

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

(6) Be subject to the provisions of RCW 42.17.240;

(7) Prepare and publish a report with the plan; the report will be made available to the public at the time the plan is published. The report will include but will not be limited to: (a) The population and percentage deviation from the average district population for every district; (b) an explanation of the

criteria used in developing the plan with a justification of any deviation in a district from the average district population; (c) a map of all the districts; and (d) the estimated cost incurred by the counties for adjusting precinct boundaries.

**NEW SECTION.** Sec. 9. In the redistricting plan:

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

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

(a) District lines should be drawn so as 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;

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

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

(3) In accordance with the provisions of Article II, section 6 of the state Constitution, representative districts shall be uniformly established so that if a senatorial district is divided in the formation of representative districts, all senatorial districts shall be so divided.

(4) The commission's plan shall not provide for a number of legislative districts different than that established by the legislature.

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

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

(2) 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. If the legislature amends the commission's plan the legislature's amendment must be approved by an affirmative vote in each house of two-thirds of the members elected or appointed thereto, and may not include more than two percent of the population of any legislative or congressional district.

(3) The plan approved by the commission, with any amendment approved by the legislature, shall be final upon approval of such amendment or after expiration of the time provided for legislative amendment by subsection (2) of this section whichever occurs first, and shall constitute the districting law applicable to this state for legislative and congressional elections, beginning with the next elections held in the year ending in two. This plan shall be in force until the effective date of the plan based upon the next succeeding federal decennial census or until a modified plan takes effect as provided in section 12(6) of this act.

(4) If three of the voting members of the commission fail to approve and submit a plan within the time limitations provided in subsection (1) of this section, the supreme court shall adopt a plan by March 1st of the year ending in two. Any such plan approved by the court is final and constitutes the districting law applicable to this state for legislative and congressional elections, beginning with the next election held in the year ending in two. This plan shall be in force until the effective date of the plan based on the next succeeding federal decennial census or until a modified plan takes effect as provided in section 12(6) of this act.

**NEW SECTION.** Sec. 11. (1) Following the period provided by section 10(1) of this act for the commission's adoption of a plan, the commission shall take all necessary steps to conclude its business and cease operations. The commission shall prepare a financial statement disclosing all expenditures made by the commission. The official record shall contain all relevant information developed by the commission pursuant to carrying out its duties under this chapter, maps, data collected, minutes of meetings, written communications, and other information of a similar nature. Once the commission ceases to exist, the chief election officer shall be the custodian of the official record for purposes of reprecincting and election administration. The chief election officer shall provide for the permanent preservation of this official record pursuant to chapter 42.17 RCW and Title 40 RCW. Once the commission ceases to exist any budget surplus shall revert to the state general fund.

(2) Except as provided in section 12 of this act for a reconvened commission, the commission shall cease to exist on July 1st of each year ending in two unless the supreme court extends the commission's term.

**NEW SECTION.** Sec. 12. (1) If a commission has ceased to exist, the legislature may, upon an affirmative vote in each house of two-thirds of the members elected or appointed thereto, adopt legislation reconvening the commission for the purpose of modifying the redistricting plan.

(2) Section 5 of this act governs the eligibility of persons to serve on the reconvened commission. A vacancy involving a voting member of the reconvened commission shall be filled by the person who made the initial appointment, or their successor, within fifteen days after the effective date of the legislation reconvening the commission. A vacancy involving the nonvoting member of the commission shall be filled by an affirmative vote of at least three of four voting members, within fifteen days after all other vacancies are filled or, if no other vacancies exist, within fifteen days after the effective date of the legislation reconvening the commission. A subsequent vacancy on a reconvened commission shall be filled by the person or persons who made the initial appointment, or their successor, within fifteen days after the vacancy occurs. If any appointing authority fails to make a required appointment within the time limitations established by this subsection, within five days after that date the supreme court shall make the required appointment.

(3) The provisions of sections 7 and 8 of this act are applicable if a commission is reconvened under this section.

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

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

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

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

**NEW SECTION.** Sec. 13. After the plan takes effect as provided in section 10 of this act, any registered voter may file a petition with the supreme court challenging the plan. After a modification to the redistricting plan takes effect as provided in section 12 of this act, any registered voter may file a petition with the supreme court challenging the amended plan. The court may consolidate any or all petitions and shall give all such petitions precedence over all other matters.

**NEW SECTION.** Sec. 14. Sections 1 through 13 of this act shall constitute a new chapter in Title 44 RCW.

Sec. 15. Section 27, chapter 2, Laws of 1982 and RCW 29.70.100 are each amended to read as follows:

(1) It is the responsibility of each ~~((local government and each))~~ county, municipal corporation, and special purpose district with a governing body comprised of internal director, council, or commissioner districts not based on statutorily required land ownership ~~((or residency))~~ criteria to periodically redistrict its governmental unit, based on population information from the most recent federal decennial census.

(2) Within forty-five days after ~~((its))~~ receipt of federal decennial census information applicable to ~~((the))~~ a specific local area, the commission ~~((or the secretary of state))~~ established in section 3 of this act shall forward the census information to each ~~((local government and))~~ municipal corporation charged with redistricting under this ~~((chapter))~~ section.

(3) No later than eight months after its receipt of federal decennial census data, the governing body of the municipal corporation shall prepare a plan for redistricting its internal or director districts.

(4) The plan shall be consistent with the following criteria:

(a) Each internal director district shall be as nearly equal in population as possible to each and every other internal director district comprising the municipal corporation.

(b) Each district shall be as compact as possible.

(c) Each district shall ~~((be comprised))~~ consist of geographically contiguous area.

(d) Population data may not be used for purposes of favoring or disfavoring any racial group or political party.

(e) To the extent feasible and if not inconsistent with the basic enabling legislation for the municipal corporation, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(5) During the adoption of its plan, the municipal corporation shall ensure that full and reasonable public notice of its actions is provided. The municipal corporation shall hold at least one public hearing on the redistricting plan at least one week before adoption of the plan.

~~(6)(a) ((An elected official))~~ Any registered voter residing in an area affected by the municipal corporation's redistricting plan may request review of the adopted local plan by the ~~((voting boundary commission))~~ superior court of the county in which he or she resides, within forty-five days of the plan's adoption. Any request for review must specify the reason or reasons alleged why the local plan is not consistent with the applicable redistricting criteria. The municipal corporation may be joined as respondent. The ~~((voting boundary commission))~~ superior court shall thereupon review the challenged plan for compliance with the applicable redistricting criteria set out in ~~((RCW 29.70.030 and))~~ subsection (4) of this section.

~~(b) If ((, within thirty days of submission of a local government plan, the commission))~~ the superior court finds the plan to be consistent with the requirements of this ~~((chapter or the commission fails to find that the plan is not consistent with the requirements of this chapter, the secretary of state shall certify the plan. A certified))~~ section, the plan shall take effect ~~((ten days after certification))~~ immediately.

(c) If the ~~((commission))~~ superior court determines the plan does not meet the requirements of this ~~((chapter))~~ section, in whole or in part, it shall remand the plan for further or corrective action within a specified and reasonable time period.

(d) If the ~~((commission))~~ superior court finds that any request for review is frivolous or has been filed solely for purposes of harassment or delay, it may impose appropriate sanctions on the party requesting review, including payment of attorneys' fees and costs to the respondent municipal corporation.

**NEW SECTION.** Sec. 16. The following acts or parts of acts are each repealed:

(1) Section 18, chapter 2, Laws of 1982 and RCW 29.70.010;

(2) Section 19, chapter 2, Laws of 1982 and RCW 29.70.020;

(3) Section 20, chapter 2, Laws of 1982 and RCW 29.70.030;

(4) Section 21, chapter 2, Laws of 1982 and RCW 29.70.040;

(5) Section 22, chapter 2, Laws of 1982 and RCW 29.70.050;

(6) Section 23, chapter 2, Laws of 1982 and RCW 29.70.060;

(7) Section 24, chapter 2, Laws of 1982 and RCW 29.70.070;

(8) Section 25, chapter 2, Laws of 1982 and RCW 29.70.080;

(9) Section 26, chapter 2, Laws of 1982 and RCW 29.70.090;

(10) Section 28, chapter 2, Laws of 1982 and RCW 29.70.110;

(11) Section 29, chapter 2, Laws of 1982 and RCW 29.70.120;

(12) Section 30, chapter 2, Laws of 1982 and RCW 29.70.130;

(13) Section 31, chapter 2, Laws of 1982 and RCW 29.70.900; and

(14) Section 33, chapter 2, Laws of 1982 and RCW 29.70.910;

**NEW SECTION.** Sec. 17. If any provision of this act or its application to any person or circumstances is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 18. This act shall take effect if the proposed amendment to Article II of the state Constitution establishing a commission for state legislative and congressional redistricting is validly submitted to and is approved and ratified by the voters at a general election held in November, 1983. If the proposed amendment is not so approved and ratified, this act shall be null and void in its entirety.

**SPECIAL NOTE:** The following is the complete text of Chapter 259, Laws of 1983. Although this measure will *not* be voted upon at the state general election on November 8, it contains the implementing statutes for Senate Joint Resolution 105 and will become effective if that proposed constitutional amendment is approved by a majority of the voters. The text of this law is included to facilitate each voter's understanding of the effect of the adoption of that proposed amendment to the state constitution.

AN ACT Relating to harbor areas; amending section 75, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.92.070; amending section 76, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.92.080; and providing a contingent effective date.

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

Sec. 1. Section 75, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.92.070 are each amended to read as follows:

If the owner of any harbor area lease upon tidal waters shall desire to construct thereon any wharf, dock, or other convenience of navigation or commerce, or to extend, enlarge, or substantially improve any existing structure used in connection with such harbor area, and shall deem the required expenditure not warranted by his right to occupy such harbor area during the remainder of the term of his lease, he may make application to the department of natural resources for a new lease of such harbor area for a period not exceeding ~~((thirty))~~ fifty-five years. Upon the filing of such application accompanied by such proper plans, drawings or other data, the department shall forthwith investigate the same and if it shall determine that the proposed work or improvement is in the public interest and reasonably adequate for the public needs, it shall by order fix the terms and conditions and the rate of rental for such new lease, such rate of rental shall be a fixed percentage, during the term of such lease, on the true and fair value in money of such harbor area determined from time to time by the department as provided in RCW 79.92.050. The department may propose modifications of the proposed wharf, dock, or other convenience or extensions, enlargements, or improvements thereon. The department shall, within ninety days from the filing of such application