

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 5668 SB	<b>Title:</b> Voting rights	<b>Agency:</b> 055-Admin Office of the Courts
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

Account	FY 2016	FY 2017	2015-17	2017-19	2019-21
Counties					
Cities					
<b>Total \$</b>					

### Estimated Expenditures from:

**Non-zero but indeterminate cost. Please see discussion.**

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☒ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.

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Request # 5668 SB-1

## **Part II: Narrative Explanation**

### **II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts**

Summary:

This bill, known as the Washington voting rights act of 2015, would create a cause of action when protected classes do not have an equal opportunity to elect candidates of their choice to the governing body of a political subdivision.

Sections with potential court impact:

Section 3 would create a violation for political subdivisions when an election exhibits polarized voting or when protected classes do not have an equal opportunity to elect candidates of their choice.

Section 4 would create a cause of action when a political subdivision violates section 3, whether or not there is proof of the intent to discriminate. The trial court must set a trial date no later than 1 year after the filing of the complaint. The plaintiff could seek a temporary restraining order or preliminary injunction without posting a bond or other security. No action could be filed before January 15, 2016.

Section 6 would allow the trial court, upon finding a violation of section 3, to order appropriate remedies, including imposition of a district-based election system and holding new elections.

Section 7 would allow the plaintiffs to recover reasonable attorneys' fees and costs. The political subdivision would be allowed to recover reasonable attorneys' fees and costs only if the court finds the action to be frivolous under RCW 4.84.185.

Section 8 would allow a member of a protected class and a resident of the political subdivision to file the action in the superior court of that county, or a near county if the action is against the county.

Section 11 would limit the act to cities and towns of populations over 1,000 and school districts with K-12 full-time equivalent enrollments of over 250.

### **II. B - Cash Receipts Impact**

None.

### **II. C - Expenditures**

There is insufficient data available to estimate the fiscal impact of this bill. Based upon information provided and input from the courts, it is assumed that the impact would be less than \$50,000 per year. The \$50,000 expenditure level represents approximately 84 hours (0.07 FTE) of superior court judicial officer time annually cumulative for all superior courts in the state with associated support staff and operational costs. It is assumed, therefore, that this bill would require less than 84 hours of judicial officer time statewide on an annual basis. However, there is no data available to predict how many suits, and in what time frame or jurisdiction, might be filed under the provisions of the bill. For the purposes of this estimate, we are assuming that the fiscal impact would be less than \$50,000 annually, but in this instance, the level of expenditure is really unknown. It is possible that more than a few lawsuits will be filed statewide, which could easily surpass the \$50,000 expenditure level.

## **Part III: Expenditure Detail**

## **Part IV: Capital Budget Impact**

SOURCES:

Office of the Secretary of State

Washington Association of County Officials (WACO)

Washington State Association of County Auditors (WSACA)