Judicial Impact Fiscal Note

Bill Number: 1745 E S HB	Title: Voting rights	Agency: 055-Admin Office of the Courts

Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

Account	FY 2016	FY 2017	2015-17	2017-19	2019-21
Counties					
Cities					
Total $					

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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Part II: Narrative Explanation

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

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Part II: Narrative Explanation

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.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

If enacted, this bill:

Section 4 – 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. The courts would be required to analyze elections of the governing body of the political subdivision, ballot measure elections, elections in which at least one candidate is a member of a protected class, and other electoral choices that affect the rights and privileges of members of a protected class.

Section 5 – would create a cause of action when a political subdivision violates Section 4, whether or not there is proof of the intent to discriminate. The trial court must set a trial date no later than one 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 7 – 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 8 – 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 9 – 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 in either of the two nearest judicial districts as determined by RCW 36.01.050(2) if the action is against the county.

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

II.B - Cash Receipt Impact

No cash receipt impact.

II.C – Expenditures

Indeterminate. There is insufficient data available to estimate the expenditure impact of this bill. Based upon information 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, including associated support staff and operational costs. It is assumed that this bill would require less than 84 hours of judicial officer time statewide on an annual basis.

There is no data available to predict how many suits, and in what time frame or jurisdiction, there might be filed under the provisions of this bill. For purposes of this Judicial Impact Note (JIN), the agency assumes that the expenditure impact would be less than $50,000 per year. It

is possible that more than a few lawsuits would be filed statewide, and if this occurred it would surpass the $50,000 threshold.