

# JUDICIAL IMPACT FISCAL NOTE

<b>Bill Number:</b> 5067 SB	<b>Title:</b> Voting Rights Act	<b>Agency:</b> 055 – Admin Office of the Courts (AOC)
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
<b>Total:</b>					

### Estimated Expenditures from:

STATE	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE – Staff Years					
<b>Account</b>					
General Fund – State (001-1)					
State Subtotal					
<b>COUNTY</b>					
County FTE Staff Years					
<b>Account</b>					
Local - Counties					
Counties Subtotal					
<b>CITY</b>					
City FTE Staff Years					
<b>Account</b>					
Local – Cities					
Cities Subtotal					
Local Subtotal					
<b>Total Estimated Expenditures:</b>					

*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.

Legislative Contact:	Phone:	Date:
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Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

## **Part II: Narrative Explanation**

This bill, known as the Washington Voting Rights Act of 2017, would promote equal voting opportunity in certain political subdivisions by authorizing district-based elections, requiring redistricting and new elections in certain circumstances, and establishing a cause of action to redress lack of voter opportunity.

The bill would apply to elections held within certain political subdivisions including counties, cities, towns, and school districts. The bill does not apply to state elections, elections in a city or town with a population under 2,000, or school districts with under 500 students.

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

This bill would allow any voter who is a member of a protected class and resides within a particular political subdivision to file a legal action alleging that the subdivision has violated the provisions of the bill.

The person must establish that, under the totality of the circumstances, members of a protected class do not have an equal opportunity to participate in the political process or elect their preferred candidate.

The court may only analyze the elections conducted prior to the legal action, including the election of candidates, ballot measure elections, and elections that affect the rights and privileges of the protected class. The election of candidates who are in the protected class does not preclude a court from finding the existence of polarized voting that resulted in unequal election participation, but courts may consider whether the proportion of the jurisdiction's legislative body who are members of the protected class is the same as the proportion of the jurisdiction's population who are members of the protected class.

No lawsuit may be filed alleging a violation of the Act before January 15, 2018.

The action may be filed in the superior court of the county in which the political subdivision is located. If the action is against a county, it may instead be filed in the superior court of either of the two nearest judicial districts. The trial must be set for no later than one year after the filing of a complaint, with a corresponding discovery and motions calendar. For purposes of the statute of limitations, a cause of action under the Act arises every time there is an election under a districting method that is the subject of the court action.

The court may order appropriate remedies for a violation, including requiring the subdivision to redistrict, create a district-based election system, or an alternative proportional voting system. If the court issues a final order between the date of the general election and January 15th of the following year, the order applies to the next general election. If the court issues a final order between January 16th and the next general election date, the order only applies starting from the general election of the following year. The court's order applies to any elected officer who has at least two years remaining in the officer's term of office. Such positions are subject to new elections, pursuant to the implementation of the court's order. A court may allow a prevailing party to recover reasonable attorneys' fees, all non-attorney fee costs, and all reasonable expert witness fees.

### **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.