

# OFFICIAL VOTERS PAMPHLET



Senate Joint Resolution 103

Senate Joint Resolution 105

Senate Joint Resolution 112

General Election Tuesday, November 8, 1983

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# 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.

## 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.

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 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.