



# Voting Rights Act Legislation Issue Brief

## SB 6002: Enacting the Washington Voting Rights Act

The Legislature has been considering and debating a Voting Rights Act for Washington (VRA) bill for the last several years. With Democrats in charge of both chambers and the executive branch, it is very likely that a VRA bill will pass this year.

Under existing federal law, if a Washington voter is a member of a minority group (in race, color or language) and believes that local voting procedures denied them equal opportunity to participate in the nomination and election process to elect a representative of their choice, they can challenge the local procedures in federal court. The VRA would allow a person to bring these claims in state court.

**AWC supports the policy behind the proposal but has significant concerns about how it will be implemented.**

## Strong cities need:

- **A burden of proof that respects the decision of a city council's adoption of a remedy** – A rebuttable presumption against the local government is an unprecedented burden shifting.
- **Additional time for a city to adopt a remedy after 2021** – Cities need 180 days for one notice. The bill should also provide cities with 270 days if they receive more than one notice.
- **The act should not apply to smaller cities and towns** – Small cities will not benefit from further division, but will experience unintended consequences including costs to implement districts, difficulty in filling seats from a small pool of voters, and exposure to baseless lawsuits.
- **Reasonable public notice requirements for voluntary changes** – Radio and TV ads in dozens of languages is a disincentive to proactive change.

## More details

**SB 6002** contains provisions that AWC supports:

- Allowing cities to make voluntary changes to their election system to address a potential violation;
- Providing a notice-to-sue provision – Enabling cities to correct an alleged violation to avoid a lawsuit; and
- A “safe harbor” provision that prevents a jurisdiction from being sued within four years if the jurisdiction has made changes in response to a court-ordered remedy under the VRA.

AWC has consistently supported the policy behind this proposal – equal opportunity for all to participate in elections and elect candidates of their choice. To this end, AWC has also actively supported bill provisions that give local governments the authority to change their election system to remedy any structural problems that prevent equal opportunity to all.

**However, in addition to the above concerns, AWC also supports bill provisions that include:**

- **Standing to sue by local voters** – Only voters who live in the jurisdiction should be allowed to bring a notice or claim.
- **A “citizens of voting age” metric, instead of population** – Children and others ineligible to vote should not be included in the metric of a voting law.

AWC continues to take a neutral position on this legislation, acknowledging that cities have varying opinions about this issue and the proposals. We are engaging with legislators and stakeholders to work to improve this bill.

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