

HOUSE BILL REPORT

SSB 5674

As Passed House - Amended:

March 30, 2007

Title: An act relating to water district commissioner candidates.

Brief Description: Authorizing registered voters who reside outside of, but own land in, a water district to be elected as a water district commissioner.

Sponsors: By Senate Committee on Government Operations & Elections (originally sponsored by Senators Haugen, Fairley and Kline).

Brief History:

Committee Activity:

Local Government: 3/20/07 [DPA].

Floor Activity:

Passed House - Amended: 3/30/07, 90-4.

Brief Summary of Substitute Bill (As Amended by House)

- Allows a qualified elector meeting land ownership requirements to file and serve as a water-sewer district commissioner in a district with fewer than 100 residents if a void in candidacy occurs.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended. Signed by 7 members: Representatives Simpson, Chair; Eddy, Vice Chair; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross, B. Sullivan and Takko.

Staff: Ethan Moreno (786-7386).

Background:

Water-Sewer Districts

Water-sewer districts (districts) are authorized to purchase, construct, maintain, and supply waterworks to furnish an ample supply of water to inhabitants within and outside of a district.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Districts have full authority to regulate and control the use, content, distribution, and price of supplied water in a manner consistent with legal provisions.

Districts are governed by nonpartisan boards of commissioners (boards) consisting of three, five, or seven members who serve six-year terms. In accordance with statutory provisions, boards must, by resolution, adopt rules governing the transaction of their business.

Candidate Filing and Related Provisions

Statute prescribes different requirements and methods pertaining to persons choosing to file a declaration of candidacy for an elective office with a filing officer. For example, a person filing a declaration of candidacy for a district commissioner position must, at the time of filing, be a registered voter and reside within the district. The officer with whom the declarations are filed is responsible for reviewing each declaration for compliance with filing criteria.

A void in candidacy for a nonpartisan office generally occurs when an election for an office has been scheduled and no valid declaration of candidacy has been filed for the position, or all persons filing valid declarations of candidacy have died or been disqualified.

Subject to legal requirements, filing periods for nonpartisan offices must be reopened by the appropriate elections official for three business days when an elective position lacks a candidate. If a void in candidacy occurs before the eleventh Tuesday before a primary, a candidacy that is validly filed within the three-day period must appear on the ballot as if made during the earlier filing period. If a void in candidacy occurs on or after the eleventh Tuesday before a primary, but prior to the eleventh Tuesday before an election, the candidate receiving a plurality of the votes cast for that office in the general election is elected.

"Registered voter" means any elector who has completed the registration procedures prescribed by statute. The terms "registered voter" and "qualified elector" are synonymous.

Summary of Amended Bill:

New candidate filing provisions for water-sewer districts are established. Any person who is a qualified elector who also holds title or evidence of title to land in the district may file as a candidate and serve as a commissioner for that district if:

- the district has fewer than 100 residents; and
- the filing period is reopened under certain elections requirements due to a void in candidacy.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is a response to a problem that exists in a very small water-sewer district on Camano Island. The district is very small and it includes summer-only residents who own homes in the district, and, in some cases, serve as commissioners. According to the auditor, these temporary residents cannot serve as commissioners. There are not enough people to fill these elective positions and this bill will allow those who are serving to continue doing so. The Washington Association of Sewer and Water Districts (association) wanted to make sure the scope of the bill was narrow. The association understands that other jurisdictions have problems similar to those addressed in the bill, but it has a narrow title and its provisions cannot be expanded to remedy problems of other jurisdictions. The association is willing to work with auditors to address the issues contained within the bill in future legislation.

(With concerns) The issue this bill addresses is a very real problem for smaller districts. This is a surgical bill designed to address only one district, but it does so in a way that substantially changes election laws and causes concern for county auditors. This bill moves away from residency requirements and creates candidate eligibility requirements for one type of office that are based on land ownership: this is a dangerous door to open. It is recognized, however, that voids in candidacy are real concerns. It is hoped that the legislature will maintain its interest in this problem and that it will find solutions next year that will remove the land ownership language of this bill.

(Opposed) None.

Persons Testifying: (In support) Senator Mary Margaret Hausen, prime sponsor; Joe Daniels, Washington Association of Sewer and Water Districts.

(With concerns) Vicky Dalton, Spokane County Auditor.

Persons Signed In To Testify But Not Testifying: None.