
HOUSE BILL 1269

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Smith, Takko, and Upthegrove

Read first time 01/22/13. Referred to Committee on Local Government.

1 AN ACT Relating to legal entities casting votes in diking
2 districts; and amending RCW 85.38.010, 85.38.105, and 85.38.110.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 85.38.010 and 1991 c 349 s 1 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter:

8 (1) "Governing body" means the board of commissioners, board of
9 supervisors, or board of directors of a special district.

10 (2) "Owner of land" means the record owner of at least a majority
11 ownership interest in a separate and legally created lot or parcel of
12 land, as determined by the records of the county auditor, except that
13 if the lot or parcel has been sold under a real estate contract, the
14 vendee or grantee shall be deemed to be the owner of such land for
15 purposes of authorizing voting rights. It is assumed, unless shown
16 otherwise, that the name appearing as the owner of property on the
17 property tax rolls is the current owner.

18 (3) "Qualified voter of a special district" means a person (~~who is~~
19 ~~either~~) or legal entity that has owned land in the special district

1 for a period of not less than thirty days before the election and is:
2 (a) A natural person who is a voter under general state election
3 laws(~~(7)~~) and registered to vote in the state of Washington for a
4 period of not less than thirty days before the election(~~(7, and the~~
5 ~~owner of land located in the special district for a period of not less~~
6 ~~than thirty days before the election));~~ (b) (~~(a corporation or~~
7 ~~partnership that has owned land located in the special district for a~~
8 ~~period of not less than sixty days before the election)) a natural
9 person who is a registered voter under the general state election laws
10 and registered with the district by a legal entity owner as the person
11 authorized to cast the entity's votes; (~~(or)~~) (c) the state, its
12 agencies, or political subdivisions that own land in the special
13 district or lands proposed to be annexed into the special district
14 except that the state, its agencies, and political subdivisions shall
15 not be eligible to vote to elect a member of the governing board of a
16 special district; or (d) a natural person who is a registered voter
17 under the general state election laws and is an executor,
18 administrator, or guardian for an owner of land within the special
19 district.~~

20 (4) "Special district" means: (a) A diking district; (b) a
21 drainage district; (c) a diking, drainage, and/or sewerage improvement
22 district; (d) an intercounty diking and drainage district; (e) a
23 consolidated diking district, drainage district, diking improvement
24 district, and/or drainage improvement district; or (f) a flood control
25 district.

26 (5) "Special district general election" means the election of a
27 special district regularly held on the first Tuesday after the first
28 Monday in February in each even-numbered year at which a member of the
29 special district governing body is regularly elected.

30 **Sec. 2.** RCW 85.38.105 and 2009 c 144 s 1 are each amended to read
31 as follows:

32 (1) The owner of land located in a special district who is a
33 qualified voter of the special district shall receive two votes at any
34 election. This section does not apply to special flood control
35 districts consisting of three or more counties.

36 (2) If multiple undivided interests, other than community property

1 interests, exist in a lot or parcel and no person owns a majority
2 undivided interest, the owners of undivided interests at least equal to
3 a majority interest may designate in writing:

4 (a) Which owner is eligible to vote and may cast two votes; or

5 (b) Which two owners are eligible to vote and may cast one vote
6 each.

7 (3) If land is owned as community property, each spouse is entitled
8 to one vote if both spouses otherwise qualify to vote, unless one
9 spouse designates in writing that the other spouse may cast both votes.

10 (4) A legal entity, including but not limited to all forms of
11 corporations, partnerships, limited liability companies, associations,
12 trusts, estates, and representatives of deceased persons or
13 governmental ((entity)) entities, shall designate by registering with
14 the diking district in advance of the deadlines in RCW 85.38.110:

15 (a) A natural person to cast its two votes; or

16 (b) Two natural persons to each cast one of its votes.

17 (5) Except as provided in RCW 85.08.025 and 86.09.377, no owner of
18 land may cast more than two votes or have more than two votes cast for
19 him or her in a special district election.

20 **Sec. 3.** RCW 85.38.110 and 1991 c 349 s 13 are each amended to read
21 as follows:

22 (1) A list of presumed eligible voters shall be prepared and
23 maintained by each special district. The list shall include: (a) The
24 assessor's tax number for each lot or parcel in the district((τ)); (b)
25 the name or the names of the owners of such lots and parcels and their
26 mailing address((τ)); (c) the extent of the ownership interest of such
27 persons, and if such persons are natural persons, whether they are
28 known to be registered voters in the state of Washington; and (d) the
29 natural person or persons designated to cast the votes for a legal
30 entity.

31 (2) Whenever such a list is prepared, the district shall attempt to
32 notify each owner of the requirements necessary to establish voting
33 authority to vote. Whenever lots or parcels in the district are sold,
34 the district shall attempt to notify the purchasers of the requirements
35 necessary to establish voting authority.

36 (3) Each special district shall provide a copy of this list, and
37 any revised list, to the auditor of the county within which all or the

1 largest portion of the special district is located. The special
2 district must compile the list of eligible voters and provide it to the
3 county auditor by the first day of November preceding the special
4 district general election. In the event the special district does not
5 provide the county auditor with the list of qualified voters by this
6 date, the county auditor shall compile the list and charge the special
7 district for the costs required for its preparation. The county
8 auditor shall not be held responsible for any errors in the list.

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