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**SENATE BILL 6600**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Senator Darneille

AN ACT Relating to establishing a conservation district online election pilot project; amending RCW 89.08.140 and 89.08.190; adding a new chapter to Title 89 RCW; creating a new section; and making an appropriation.

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

NEW SECTION. **Sec.**  The legislature finds that many voters are not even aware of the existence of conservation districts, and thus do not vote in elections for conservation district supervisors. Voter participation in conservation district elections has been as low as one percent in some instances.

Therefore, the legislature intends to establish a pilot project for conducting conservation district elections online to increase participation and engagement while standardizing election processes. The pilot project will also allow counties to assess the viability of new election technologies in the administration of special purpose districts or community engagement projects.

NEW SECTION. **Sec.**  (1) The conservation district online election pilot project is established.

(2) Two conservation districts, to be located within counties of different populations, may participate in the online election pilot project. Any conservation district electing to participate in the online election pilot project must provide notification to the county auditor and the conservation commission by December 31, 2016.

(3) Where a conflict with other law exists, elections conducted under the pilot project are to be conducted pursuant to this chapter.

(4) The pilot project must begin by January 1, 2018, and conclude by April 1, 2020.

(5) Each county auditor participating in the conservation district online election pilot project must submit a report to the appropriate committees of the legislature by December 1, 2019, that includes, but is not limited to:

(a) Information on elections held under the pilot project;

(b) Statistics relating to voter turnout for elections held under the pilot project and elections held in the conservation district before the pilot project's inception;

(c) An assessment of successes and challenges faced under the pilot project;

(d) An assessment of the viability of conducting online elections in other races in Washington state; and

(e) Any recommendations from the conservation district or county auditor.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Conservation district" means a conservation district participating in the pilot project.

(2) "County auditor" means an auditor of a county with a conservation district participating in the pilot project.

(3) "Election" means any election for conservation district commissioner conducted pursuant to the pilot project.

(4) "Online voting system" means the software and documentation used to define ballots, cast and count votes, report and display election results, and maintain and produce any audit trail information, to which voters may connect via the internet.

(5) "Pilot project" means the conservation district online election pilot project.

(6) "Race" means any individual race as part of an election conducted pursuant to the pilot project.

(7) "Vendor" means the provider of an online voting system.

NEW SECTION. **Sec.**  (1) The county auditor shall provide the conservation district with a list of known and recognized vendors. The conservation district shall select a vendor from the list of approved vendors provided by the county auditor.

(2) In choosing a vendor, the conservation district must consider the following:

(a) The accuracy of the online voting system;

(b) The security and confidentiality of votes;

(c) The vendor's ability to operate a help desk or web site to facilitate communications with voters and troubleshoot problems;

(d) The vendor's ability to provide reminders to voters about upcoming election deadlines;

(e) The vendor's ability to tabulate the appropriate number of votes;

(f) The cost of the online voting system; and

(g) Any other relevant factors as determined by the county auditor or the conservation district.

(3) Once the conservation district has selected a vendor, the district shall notify the county auditor. The county auditor and vendor shall conduct an acceptance test of the system chosen by the conservation district.

NEW SECTION. **Sec.**  (1) Each conservation district shall set a regular yearly election date for elections conducted under the pilot project. The election date must be in the first quarter of the calendar year.

(2) Each conservation district shall set a filing period for elections conducted under the pilot project. The filing period must end at least six weeks before the election date, and be at least three business days. The conservation district must provide notice of the filing period to the county auditor.

(3) No conservation district may require that a candidate file a nominating petition as a condition for filing for a commissioner position elected under the pilot project.

(4) The conservation district is responsible for conducting candidate filing, including verification of whether the person filing meets land ownership or farm operation requirements, if applicable.

(5) The filing period for elections conducted under the pilot project must be publicized through press releases by the conservation district and the county auditor to newspapers of general circulation in the area covered by the conservation district, notification on the web sites of the conservation district and the county auditor, through social media, and through any other media the conservation district or county auditor may select.

(6) If only one candidate has filed for a conservation district commissioner position in an election by the end of the filing period, that person shall be deemed elected to the position. If no candidates file for a conservation district commissioner position in an election conducted under the pilot project by the end of the filing period, the filing period shall be reopened for at least seventy-two hours.

NEW SECTION. **Sec.**  (1) Each conservation district shall identify the positions open for election each year, and determine whether land ownership or farm operation is a prerequisite for the position.

(2) Each conservation district shall provide the district's boundaries to the county auditor before the filing deadline for the first election conducted under the pilot project, and shall notify the county auditor if there is any change in boundaries during the course of the pilot project. The county auditor shall maintain the voter registration database of voters residing within the conservation district boundaries. The county auditor must periodically update the list of registered voters.

(3) By a date to be specified in the contract for the online voting system, the conservation district shall provide the vendor with a list of candidate filings, and the county auditor shall provide the vendor with a complete list of eligible voters in the conservation district. The county auditor shall provide any updates to the list of eligible voters to the vendor as necessary.

NEW SECTION. **Sec.**  (1) For each election, the conservation district shall consult with the county auditor to publicize and provide relevant information about the election to the public, including how to contact the help desk or web site created by the vendor to distribute voter credentials.

(2) The vendor shall provide periodic voting reminders to voters who have received voter credentials via email on a schedule to be agreed upon by the vendor and the conservation district.

NEW SECTION. **Sec.**  (1) No primary election may be held for a conservation district commissioner position under the pilot project.

(2) Only one ballot type may be used per election.

(3) The voting period for an election is from 8:00 a.m. eighteen days before the election date to 8:00 p.m. on the election date. A vote must be cast during the voting period to be tabulated.

(4) Twenty-one days before election day, the vendor shall open a phone help desk or web site to distribute voting credentials to voters eligible to participate in the election. The voting credentials must include a web site link, a unique personal identification number, and any other necessary login information. The voting credentials must be transmitted to the voter via email.

(5) The online voting system must require the voter to provide his or her first name, last name, date of birth, and the personal identification number provided to the voter under subsection (4) of this section in order to access the voter's ballot on the online voting system. The online voting system must allow each voter to access only that voter's ballot.

(6) The online voting system must use an application program interface to allow each voter to mark his or her ballot online. The voter must not be allowed to vote for more than one candidate in a particular race. The online voting system must also alert the voter to any races in which the voter has failed to vote for a candidate.

(7) Once the voter has marked their ballot, the online voting system must give the voter an opportunity to confirm his or her ballot. Upon confirmation, the online voting system shall transmit the ballot to a secure and encrypted web site operated by the vendor.

NEW SECTION. **Sec.**  (1) Each county auditor shall open a voting center for each election conducted under the pilot project. The voting center shall be open from 8:00 a.m. to 8:00 p.m. on election day. The county auditor must take the location of the conservation district into consideration when selecting a site for the voting center.

(2) The voting center must provide voters a method to access the online voting system and a method for requesting credentials to access the online voting system.

(3) The voting center must be accessible to persons with disabilities. Each state agency and entity of local government shall permit the use of any of its accessible facilities as voting centers when requested by a county auditor.

(4) The voting center must provide a method for voters who are blind or visually impaired to access the online voting system.

(5) No person may interfere with a voter attempting to vote in a voting center. Interfering with a voter attempting to vote is a violation of RCW 29A.84.510.

(6) Before opening the voting center, the voting equipment shall be inspected to determine if it has been properly prepared for voting.

(7) Any voter may take printed or written material into the voting device to assist in casting his or her vote. The voter shall not use this material to electioneer and shall remove it when he or she leaves the voting center.

(8) If any voter states that he or she is unable to cast his or her votes due to a disability, the voter may designate a person of his or her choice, or two election officers, to access the online voting system and record the votes as he or she directs.

(9) The county auditor may provide election services at locations in addition to the voting center. The county auditor has discretion to establish which services will be provided at the additional locations, and which days and hours the locations will be open.

NEW SECTION. **Sec.**  (1) At the end of the voting period, the vendor must close the online voting system, tabulate the results, and transmit the results to the county auditor and the conservation district.

(2) The county auditor, upon receipt of the tabulated results from the vendor, must reconcile the results by comparing the number of ballots counted to the number of voters participating in the election and perform any other audits deemed necessary. If there is any discrepancy, the county auditor must notify the vendor.

(3) The conservation district shall canvass and certify the election.

**Sec.**  RCW 89.08.140 and 1973 1st ex.s. c 184 s 15 are each amended to read as follows:

The commission shall bear all expense of giving the notices and conducting the hearings and election, and shall issue regulations governing all hearings and elections, except for elections conducted pursuant to chapter 89.--- RCW (the new chapter created in section 15 of this act), and supervise the conduct thereof. It shall provide for registration of eligible voters or prescribe the procedure to determine the eligible voters. No informality in connection with the election shall invalidate the results, if the notice thereof was substantially given, and the election fairly conducted.

**Sec.**  RCW 89.08.190 and 2002 c 43 s 3 are each amended to read as follows:

Within thirty days after the issuance of the certificate of organization, unless the time is extended by the commission, petitions shall be filed with the commission to nominate candidates for the three elected supervisors. The petition shall be signed by not less than twenty-five district electors, and a district elector may sign petitions nominating more than one person.

In the case of a new district, the commission shall give due notice to elect the three supervisors. All provisions pertaining to elections on the creation of a district shall govern this election so far as applicable. The names of all nominees shall appear on the ballot in alphabetical order, together with instructions to vote for three. The three candidates receiving the most votes shall be declared elected supervisors, the one receiving the most being elected for a three-year term, the next for two and the last for one year. An alternate method of dividing the district into three zones may be used when requested by the board of supervisors and approved by the commission. In such case, instructions will be to vote for one in each zone. The candidate receiving the most votes in a zone shall be declared elected.

Except for a conservation district participating in elections pursuant to chapter 89.--- RCW (the new chapter created in section 15 of this act), each year after the creation of the first board of supervisors, the board shall by resolution and by giving due notice, set a date during the first quarter of each calendar year at which time it shall conduct an election, except that for elections in 2002 only, the board shall set the date during the second quarter of the calendar year at which time it shall conduct an election. Names of candidates nominated by petition shall appear in alphabetical order on the ballots, together with an extra line wherein may be written in the name of any other candidate. The commission shall establish procedures for elections, canvass the returns for elections not conducted under chapter 89.--- RCW (the new chapter created in section 15 of this act) and announce the official results thereof. Election results may be announced by polling officials at the close of the election subject to official canvass of ballots by the commission. Supervisors elected shall take office at the first board meeting following the election.

NEW SECTION. **Sec.**  The sum of two hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2017, from the general fund to the state conservation commission for the purposes of this act.

NEW SECTION. **Sec.**  Subject to the availability of amounts appropriated for the specific purposes of this act, the pilot project may be continued into additional election cycles.

NEW SECTION. **Sec.**  Sections 1 through 10 of this act constitute a new chapter in Title 89 RCW.

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