

---

SENATE BILL 6600

---

State of Washington

64th Legislature

2016 Regular Session

By Senator Darneille

Read first time 01/28/16. Referred to Committee on Government Operations & Security.

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

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

6 NEW SECTION. **Sec. 1.** The legislature finds that many voters are  
7 not even aware of the existence of conservation districts, and thus  
8 do not vote in elections for conservation district supervisors. Voter  
9 participation in conservation district elections has been as low as  
10 one percent in some instances.

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

17 NEW SECTION. **Sec. 2.** (1) The conservation district online  
18 election pilot project is established.

19 (2) Two conservation districts, to be located within counties of  
20 different populations, may participate in the online election pilot

1 project. Any conservation district electing to participate in the  
2 online election pilot project must provide notification to the county  
3 auditor and the conservation commission by December 31, 2016.

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

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

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

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

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

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

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

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

22 NEW SECTION. **Sec. 3.** The definitions in this section apply  
23 throughout this chapter unless the context clearly requires  
24 otherwise.

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

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

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

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

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

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

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

1        NEW SECTION.    **Sec. 4.**    (1) The county auditor shall provide the  
2 conservation district with a list of known and recognized vendors.  
3 The conservation district shall select a vendor from the list of  
4 approved vendors provided by the county auditor.

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

7        (a) The accuracy of the online voting system;

8        (b) The security and confidentiality of votes;

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

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

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

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

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

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

22        NEW SECTION.    **Sec. 5.**    (1) Each conservation district shall set a  
23 regular yearly election date for elections conducted under the pilot  
24 project. The election date must be in the first quarter of the  
25 calendar year.

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

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

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

37        (5) The filing period for elections conducted under the pilot  
38 project must be publicized through press releases by the conservation  
39 district and the county auditor to newspapers of general circulation

1 in the area covered by the conservation district, notification on the  
2 web sites of the conservation district and the county auditor,  
3 through social media, and through any other media the conservation  
4 district or county auditor may select.

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

11 NEW SECTION. **Sec. 6.** (1) Each conservation district shall  
12 identify the positions open for election each year, and determine  
13 whether land ownership or farm operation is a prerequisite for the  
14 position.

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

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

29 NEW SECTION. **Sec. 7.** (1) For each election, the conservation  
30 district shall consult with the county auditor to publicize and  
31 provide relevant information about the election to the public,  
32 including how to contact the help desk or web site created by the  
33 vendor to distribute voter credentials.

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

1        NEW SECTION.    **Sec. 8.**    (1) No primary election may be held for a  
2 conservation district commissioner position under the pilot project.

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

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

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

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

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

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

28        NEW SECTION.    **Sec. 9.**    (1) Each county auditor shall open a  
29 voting center for each election conducted under the pilot project.  
30 The voting center shall be open from 8:00 a.m. to 8:00 p.m. on  
31 election day. The county auditor must take the location of the  
32 conservation district into consideration when selecting a site for  
33 the voting center.

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

37        (3) The voting center must be accessible to persons with  
38 disabilities. Each state agency and entity of local government shall

1 permit the use of any of its accessible facilities as voting centers  
2 when requested by a county auditor.

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

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

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

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

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

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

23 NEW SECTION. **Sec. 10.** (1) At the end of the voting period, the  
24 vendor must close the online voting system, tabulate the results, and  
25 transmit the results to the county auditor and the conservation  
26 district.

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

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

34 **Sec. 11.** RCW 89.08.140 and 1973 1st ex.s. c 184 s 15 are each  
35 amended to read as follows:

36 The commission shall bear all expense of giving the notices and  
37 conducting the hearings and election, and shall issue regulations  
38 governing all hearings and elections, except for elections conducted

1 pursuant to chapter 89.--- RCW (the new chapter created in section 15  
2 of this act), and supervise the conduct thereof. It shall provide for  
3 registration of eligible voters or prescribe the procedure to  
4 determine the eligible voters. No informality in connection with the  
5 election shall invalidate the results, if the notice thereof was  
6 substantially given, and the election fairly conducted.

7 **Sec. 12.** RCW 89.08.190 and 2002 c 43 s 3 are each amended to  
8 read as follows:

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

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

28 Except for a conservation district participating in elections  
29 pursuant to chapter 89.--- RCW (the new chapter created in section 15  
30 of this act), each year after the creation of the first board of  
31 supervisors, the board shall by resolution and by giving due notice,  
32 set a date during the first quarter of each calendar year at which  
33 time it shall conduct an election, except that for elections in 2002  
34 only, the board shall set the date during the second quarter of the  
35 calendar year at which time it shall conduct an election. Names of  
36 candidates nominated by petition shall appear in alphabetical order  
37 on the ballots, together with an extra line wherein may be written in  
38 the name of any other candidate. The commission shall establish  
39 procedures for elections, canvass the returns for elections not

1 conducted under chapter 89.--- RCW (the new chapter created in  
2 section 15 of this act) and announce the official results thereof.  
3 Election results may be announced by polling officials at the close  
4 of the election subject to official canvass of ballots by the  
5 commission. Supervisors elected shall take office at the first board  
6 meeting following the election.

7 NEW SECTION. Sec. 13. The sum of two hundred fifty thousand  
8 dollars, or as much thereof as may be necessary, is appropriated for  
9 the fiscal year ending June 30, 2017, from the general fund to the  
10 state conservation commission for the purposes of this act.

11 NEW SECTION. Sec. 14. Subject to the availability of amounts  
12 appropriated for the specific purposes of this act, the pilot project  
13 may be continued into additional election cycles.

14 NEW SECTION. Sec. 15. Sections 1 through 10 of this act  
15 constitute a new chapter in Title 89 RCW.

--- END ---