

SSB 6514 - S AMD 1092

By Senator Schoesler

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 87.03.031 and 2013 c 23 s 481 are each amended to
4 read as follows:

5 Any qualified district elector (~~who certifies as provided in RCW~~
6 ~~87.03.032 through 87.03.034 that he or she cannot conveniently be~~
7 ~~present to cast his or her ballot at his or her proper election~~
8 ~~precinct on the day of any irrigation district election~~)) shall be
9 entitled to vote by absentee ballot (~~in such election~~) in the
10 manner herein provided.

11 **Sec. 2.** RCW 87.03.032 and 2013 c 23 s 482 are each amended to
12 read as follows:

13 (1) The notice of election shall conform to the requirements for
14 election notices provided by (~~Title 87 RCW~~) this chapter for the
15 election being held, and shall specify (~~in addition~~) that any
16 qualified district elector (~~who certifies that he or she cannot~~
17 ~~conveniently be present at his or her proper election precinct on the~~
18 ~~day of election~~)) may vote by absentee ballot, and that a ballot and
19 form of certificate of qualifications will be furnished to him or her
20 on written request being made of the district's secretary. The
21 requisite ballot and a form of certificate of qualifications shall be
22 furnished by the district's secretary to any person who prior to the
23 date of election makes written request therefor, stating that he or
24 she is a qualified district elector. Such ballot and form may be
25 furnished also to qualified district electors in any way deemed to be
26 convenient without regard to requests having been made therefor.

27 (2) The board of directors may choose to conduct an election
28 using only mail-in ballots in lieu of polling places and absentee
29 ballots. Ballots will be provided to known qualified electors in the
30 same format as provided in RCW 87.03.033. Persons or entities who
31 have not received a ballot and believe they are qualified electors

1 may provide documents demonstrating they are qualified electors at
2 the district main office and receive a ballot if qualified to vote in
3 the election.

4 **Sec. 3.** RCW 87.03.033 and 2013 c 23 s 483 are each amended to
5 read as follows:

6 (1) To be counted in a given election, an absentee ballot or
7 ballots in a mail-in election must conform to these requirements:

8 (a) It must be sealed in ~~((an unmarked))~~ a security envelope
9 which may provide instructions for completing the ballot and which
10 position is being contested, but have no other marks which would
11 identify the elector, and in an additional outer envelope as provided
12 in (b) of this subsection and delivered to the district's principal
13 office prior to the close of the polls on the day of that election;
14 or be ~~((sealed in an unmarked envelope and))~~ mailed to the district's
15 secretary, postmarked not later than midnight of that election day
16 and received by the secretary within ~~((five))~~ seven days of that
17 date.

18 (b) To ensure secrecy of the vote, the security envelope must be
19 sealed within an additional outer envelope, requiring the ballot to
20 be provided with two envelopes for ballot return.

21 (c) The sealed envelope containing the ballot shall be
22 accompanied by a certificate of qualifications stating, with respect
23 to the voter, his or her name, age, citizenship, residence, that he
24 or she holds title or evidence of title to lands within the district
25 which, under ~~((RCW 87.03.045))~~ this title entitles him or her to vote
26 in the election~~((, and that he or she cannot conveniently be present~~
27 ~~to cast his or her ballot at his or her proper election precinct on~~
28 ~~election day))~~).

29 ~~((e))~~ (d) The statements in the certificate of qualifications
30 shall be certified as correct by the voter by the affixing of his or
31 her signature thereto ~~((in the presence of a witness who is~~
32 ~~acquainted with the voter, and the voter shall enclose and seal his~~
33 ~~or her ballot in the unmarked envelope in the presence of this~~
34 ~~witness but without disclosing his or her vote. The witness, by~~
35 ~~affixing his or her signature to the certificate of qualifications,~~
36 ~~shall certify that he or she is acquainted with the voter, that in~~
37 ~~his or her presence the voter's signature was affixed and the ballot~~
38 ~~enclosed as required in this paragraph))~~).

1 (2) The form of statement of qualifications and its certification
2 shall be substantially as prescribed by the district's board of
3 directors. The district may print the statement of qualifications on
4 the outer envelope in lieu of including a separate statement of
5 qualifications form. This form may also provide that the voter shall
6 describe all or some part of his or her lands within the district
7 which, under ((RCW 87.03.045)) this chapter entitles him or her to
8 vote in the election, but a voter otherwise qualified shall not be
9 disqualified because of the absence or inaccuracy of the description
10 so given. The regular form of irrigation district ballot shall be
11 used by absentee voters.

12 **Sec. 4.** RCW 87.03.045 and 2013 c 23 s 484 are each amended to
13 read as follows:

14 In districts with two hundred thousand acres or more, a person
15 eighteen years old, being a citizen of the United States and a
16 resident of the state and who holds title or evidence of title to
17 assessable land eligible to receive a United States bureau of
18 reclamation water supply in the district or proposed district shall
19 be entitled to vote therein. He or she shall be entitled to one vote
20 for the first ten acres of said land or fraction thereof and one
21 additional vote for all of said land over ten acres. A majority of
22 the directors shall be residents of the county or counties in which
23 the district is situated and all shall be electors of the district.
24 If more than one elector residing outside the county or counties is
25 voted for as director, only that one who receives the highest number
26 of votes shall be considered in ascertaining the result of the
27 election. Where land is community property both the husband and wife
28 may vote if otherwise qualified. An agent of a corporation owning
29 land in the district, duly authorized in writing, may vote on behalf
30 of the corporation by filing with the election officers his or her
31 instrument of authority. An elector resident in the district shall
32 vote in the precinct in which he or she resides, all others shall
33 vote in the precinct nearest their residence.

34 **Sec. 5.** RCW 87.03.071 and 1985 c 66 s 3 are each amended to read
35 as follows:

36 In any irrigation district where more than fifty percent of the
37 total acreage of the district is owned in individual ownerships of
38 less than five acres, each elector who is otherwise qualified to vote

1 pursuant to RCW ((87.03.045)) 87.03.051 shall be entitled to two
2 votes regardless of the size of ownership. Each ownership shall be
3 represented by two votes. If there are multiple owners or joint
4 owners of a single ownership, the owners shall decide among
5 themselves what their two votes shall be. If the ownership is held as
6 community property, the husband shall be entitled to one vote and the
7 wife shall be entitled to one vote or they may vote by common
8 agreement.

9 **Sec. 6.** RCW 87.03.075 and 2013 c 23 s 485 are each amended to
10 read as follows:

11 Voting in an irrigation district shall be by ballot. Ballots
12 shall be of uniform size and quality, provided by the district, and
13 for the election of directors shall contain only the names of the
14 candidates who have filed with the secretary of the district a
15 declaration ((in writing)) of their candidacy((, or)) by submitting a
16 petition of nomination as hereinafter provided, not later than five
17 o'clock p.m. on the first Monday in ((November)) October. Ballots
18 shall contain space ((for sticker voting or)) for the writing in of
19 the name of an undeclared candidate. Ballots shall be issued by the
20 election board according to the number of votes an elector is
21 entitled to cast. A person filing a declaration of candidacy((, or))
22 by submitting a petition of nomination as hereinafter provided, shall
23 designate therein the position for which he or she is a candidate. No
24 ballots on any form other than the official form shall be received or
25 counted.

26 In any election for directors where the number of votes which may
27 be received will have no bearing on the length of the term to be
28 served, the candidates for the position of director((, in lieu of
29 filing a declaration of candidacy hereunder, shall file with the
30 secretary of the district)) shall file with the secretary of the
31 district a declaration of their candidacy by submitting a petition of
32 nomination, on a form prescribed by the district, signed by at least
33 ten qualified electors of the district, or of the division if the
34 district has been divided into director divisions, not later than
35 five o'clock p.m. on the first Monday in ((November)) October. If,
36 after the expiration of the date for filing ((petitions of
37 nomination)) a declaration of candidacy, it appears that only one
38 qualified candidate has ((been nominated thereby)) declared their
39 candidacy for each position to be filled it shall not be necessary to

1 hold an election, and the board of directors shall at their next
2 meeting declare such candidate elected as director. The secretary
3 shall immediately make and deliver to such person a certificate of
4 election signed by him or her and bearing the seal of the district.
5 The procedure set forth in this paragraph shall not apply to any
6 other irrigation district elections.

7 **Sec. 7.** RCW 87.03.085 and 1987 c 123 s 1 are each amended to
8 read as follows:

9 (1) Fifteen days before any election held under this chapter,
10 subsequent to the organization of any district, the secretary of the
11 board of directors shall cause notices to be posted in three public
12 places in each election precinct, of the time and place of holding
13 the election. The secretary shall also post a general notice of the
14 same in the office of the board, which shall be established and kept
15 at some fixed place to be determined by the board, specifying the
16 polling places of each precinct. Prior to the time for posting the
17 notices, the board must appoint for each precinct, from the electors
18 thereof, one inspector and two judges, who shall constitute a board
19 of election for the precinct. If the board fails to appoint a board
20 of election, or the members appointed do not attend at the opening of
21 the polls on the morning of election, the electors of the precinct
22 present at that hour may appoint the board, or supply the place of an
23 absent member thereof. The board of directors must, in its order
24 appointing the board of election, designate the house or place within
25 the precinct where the election must be held. However, in any
26 irrigation district that is less than two hundred thousand acres in
27 size and is divided into director divisions, the board of directors
28 in its discretion may designate one polling place within the district
29 to serve more than one election precinct. The board of directors of
30 any irrigation district may designate the principal business office
31 of the district as a polling place to serve one or more election
32 precincts and may do so regardless of whether the business office is
33 located within or outside of the boundaries of the district. If the
34 board of directors does designate a single polling place for more
35 than one election precinct, then the election officials appointed by
36 the board of directors may serve more than one election precinct and
37 the election officials may be electors of any of the election
38 precincts for which they are the election board.

1 (2) (a) The following additional notice requirements apply to
2 districts that qualify and have designated their own treasurer as
3 provided in RCW 87.03.440:

4 (i) The district must annually notify qualified electors, either
5 by mail or electronic communication, of the following:

6 (A) The names of the board of directors and dates their terms
7 expire;

8 (B) The method and deadline for declaring candidacy under RCW
9 87.03.075; and

10 (C) A description of the district voting procedure and how the
11 qualified elector may request an absentee ballot.

12 (ii) The district will use its assessment roll, toll and charge
13 roll, or other district records to provide notice to known qualified
14 electors and may also use the county assessor's or other public
15 records to assist in determining qualified electors.

16 (iii) A district that makes water deliveries to an entity which
17 is responsible for paying assessments or tolls and charges and that
18 entity subsequently distributes that water to lands within the
19 entity's jurisdiction is only required to provide the annual notice
20 to the entity paying the assessment or toll and charge.

21 (iv) Any person who becomes a qualified elector after the annual
22 notice required by this section and before a subsequent election is
23 eligible to vote in the election. Receiving or not receiving the
24 annual notice provided in this section does not affect whether the
25 person or entity is a qualified elector.

26 (b) Each district must establish and maintain election
27 information on a web site, either individually or through the
28 Washington state water resources association, in order to communicate
29 with qualified electors. The web site must include, but is not
30 limited to, the names of the board of directors, district election
31 rules provided in this chapter, information on elections including
32 election results, and contact information for the district.

33 **Sec. 8.** RCW 87.03.105 and 1889-90 p 676 s 9 are each amended to
34 read as follows:

35 No list, tally paper or certificate returned from any election
36 shall be set aside or rejected for want of form, if it can be
37 satisfactorily understood. The board of directors must meet at its
38 usual place of meeting on the first (~~Monday~~) Wednesday after each
39 election, to canvass the returns. If, at the time of meeting, the

1 returns from each precinct in the district in which the polls were
2 opened have been received, the board of directors must then and there
3 proceed to canvass the returns, but if all the returns have not been
4 received, the canvass must be postponed from day to day until all the
5 returns have been received, or until six postponements have been had.
6 The canvass must be made in public, and by opening the returns and
7 estimating the vote of the district for each person voted for, and
8 declaring the result thereof. If an undeclared write-in candidate for
9 a position of director receives the most votes, the board of
10 directors must determine whether that candidate is a qualified
11 elector for that specific position. If that candidate is not a
12 qualified elector, the qualified elector receiving the next highest
13 number of votes will be deemed elected to the position.

14 NEW SECTION. **Sec. 9.** A new section is added to chapter 87.03
15 RCW to read as follows:

16 The following election security requirements apply to districts
17 that qualify and have designated their own treasurer as provided in
18 RCW 87.03.440:

19 (1) At all times when ballots are being controlled including, but
20 not limited to, receipt, opening of ballots, certification,
21 tabulation, reconciliation, or any other type of processing, two
22 individuals not on the ballot must be present.

23 (2) (a) Each ballot box must be secured and locked, with a deposit
24 slot, and clearly marked as an "official ballot box." Ballot box keys
25 must be provided to district election officials only, or designated
26 district staff if available;

27 (b) Each ballot box must be closed with tamper-evident seals with
28 a paper seal log:

29 (i) Each time the box is opened, a new seal log must be signed,
30 with the seal number noted and dated;

31 (ii) When the box is opened, the previous seal log must be
32 compared to the cut seal and initialed; and

33 (iii) All seal logs must be retained for six months after the day
34 of the election;

35 (c) Each ballot box must be physically secured so that it cannot
36 be stolen or moved, and may only be moved by district election
37 officials, or designated district staff if available;

1 (d) Any election officials or district staff carrying out
2 official ballot or election duties may not be a candidate on the
3 election ballot.

4 (3) (a) Ballot envelopes may not be opened immediately after voter
5 deposit. Ballot tabulation may only begin after the polls are closed
6 and ballots must be opened in batches, rather than individually;

7 (b) The number of tabulated ballots must be reconciled with the
8 number of ballots received;

9 (c) Tabulated ballots must be stored separately from uncounted or
10 challenged ballots as referenced in subsection (4) of this section;

11 (d) Canvassing of ballots must be open to observation by the
12 public;

13 (e) Any election officials or district staff participating in the
14 processing of ballots may not be a candidate on the ballot;

15 (f) Once canvassing of ballots is completed, date and time of the
16 verification of canvassing must be posted in either: (i) The district
17 office, for at least two weeks; (ii) on the district web site, for at
18 least two weeks; or (iii) at least once a week for two weeks in one
19 or more newspapers of general circulation within the irrigation
20 district.

21 (4) (a) Each district must establish a written challenge process
22 in order to allow individuals to challenge the vote of an individual
23 voter;

24 (b) Written challenge procedures must be established for
25 challenges made by both the public and district election officials or
26 staff, including the time period during which challenges must be
27 made;

28 (c) Within seven days of the resolution of the challenge, the
29 outcome of the challenge must be posted in either: (i) The district
30 office, for at least two weeks; (ii) on the district web site, for at
31 least two weeks; or (iii) at least once a week for two weeks in one
32 or more newspapers of general circulation within the irrigation
33 district.

34 (5) Each district must establish a written cure procedure for
35 curing errors that occurred during ballot canvassing or are
36 discovered through valid voter challenges, including a clear timeline
37 for when the cure will occur.

38 (6) Lists and reports of ballots, election outcomes, voter
39 challenges and challenge outcomes, and curing of errors must be

1 maintained by each district for six months after the date of the
2 election and made available to the public.

3 NEW SECTION. **Sec. 10.** A new section is added to chapter 87.03
4 RCW to read as follows:

5 (1) Any person who willfully violates any of the provisions of
6 section 9 (1) through (3) of this act is guilty of a gross
7 misdemeanor punishable under RCW 9A.20.021.

8 (2) Any person who, without lawful authority, removes a ballot
9 from a polling place or ballot drop location is guilty of a gross
10 misdemeanor punishable under RCW 9A.20.021.

11 (3) A person is guilty of a gross misdemeanor punishable under
12 RCW 9A.20.021 who knowingly:

13 (a) Deceives any voter in recording his or her vote by providing
14 incorrect or misleading recording information or by providing faulty
15 election equipment or records; or

16 (b) Records the vote of any voter in a manner other than as
17 designated by the voter."

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18 On page 1, line 1 of the title, after "elections;" strike the
19 remainder of the title and insert "amending RCW 87.03.031, 87.03.032,
20 87.03.033, 87.03.045, 87.03.071, 87.03.075, 87.03.085, and 87.03.105;
21 adding new sections to chapter 87.03 RCW; and prescribing penalties."

EFFECT: Requires that any qualified district elector be entitled to vote by absentee ballot. Allows the board of directors to choose to conduct an election using only mail-in ballots in lieu of polling places and absentee ballots. Renames the unmarked envelope as the security envelope and specifies that it may provide instructions for completing the ballot and which position is being contested. Requires that absentee ballots be delivered to the district's office prior to the close of the polls or be postmarked not later than midnight of election day and received within seven days of that date. Removes ballot witness attestation requirements. Allows the district to print the statement of qualifications on the outer envelope in lieu of including a separate statement of qualifications form. Provides that, in districts with 200,000 acres or more, a person that is eighteen years old, a United States citizen, and a resident of the state of Washington and who holds title or evidence of title to assessable land eligible to receive a United States bureau of reclamation water supply in the district shall be entitled to vote in district

elections. Requires that only declarations of candidacy be filed in all district elections, and that petitions of nomination be received not later than five o' clock p.m. on the first Monday in October. Removes the requirement that an election still be held in districts that have an annual revenue of more than 1 million dollars even if only one candidate has filed for position. Applies additional notice requirements to districts that have designated their own treasurer. Requires the board of directors to meet on the first Wednesday after each election, to canvass the returns. Requires the district to determine if the candidate is a qualified elector, if an undeclared write-in candidate wins the election. Applies the election security requirements to districts that have designated their own treasurer. Removes the assessor established elector list provisions, the property tax statement notice provisions, and the secretary of state rules and practices provision.

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