
**State Government & Tribal Relations
Committee**

HB 2415

Brief Description: Conforming elections for certain special districts with Title 29A RCW.

Sponsors: Representatives Hudgins, Gregerson, Pollet and Wylie.

Brief Summary of Bill

- Provides that irrigation, diking/drainage, flood control, conservation, and related special district elections are held under the procedures in Title 29A at the November general election in even-numbered years.
- Removes land-ownership requirements for voting eligibility in those districts.
- Reduces diking/drainage or flood control supervisor terms from six to four years, and increases conservation district supervisor terms from three to four years.
- Provides that all five conservation district supervisors are elected, removes landowning or farming requirements, and subjects their elections to Public Disclosure Commission oversight.

Hearing Date: 1/24/20

Staff: Jason Zolle (786-7124).

Background:

Special purpose districts are local governments formed for a limited purpose that are separate from a county, city, or town government. There are more than 80 types of special purpose districts in Washington, providing services such as fire protection, libraries, water and sewer treatment, and mosquito control.

Irrigation Districts.

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.

Irrigation districts provide for the construction, improvement, maintenance, and operation of irrigation systems. An irrigation district is formed when 50 or a majority of the landowners in an area propose the creation of a district and the district is approved by two-thirds of voters.

Board of Directors.

Boards may consist of three, five, or seven directors. Elections for directors are held on the second Tuesday of November. Directors serve staggered three-year terms.

Voting Rights.

Voters must be United States citizens and state residents who hold title or evidence of title to land in the district.

In a district with 200,000 acres or more, landowners receive one vote for their first 10 acres of land and an additional vote for all land over 10 acres. If land is community property, both the husband and wife may vote if otherwise qualified. An agent of a corporation owning land in the district may vote on behalf of the corporation if appropriately registered.

In a district with fewer than 200,000 acres, each landowner receives two votes for each five acres of assessable land or fraction thereof. However, no one ownership may possess more than 49 percent of the votes in the district. If land is community property, votes are divided equally between husband and wife. A corporation, partnership, limited liability company, or other legal business entity that owns land in the district is entitled to vote.

If more than 50 percent of the total acreage of the district consists of individual ownerships of less than 5 acres, electors are entitled to two votes regardless of the size of ownership. If land is community property, a husband and wife each receive one vote or may vote by common agreement.

Election Mechanics.

The board of directors determines the polling location for an election and appoints an inspector and two judges for each election, who together constitute the board of elections.

Absentee voting is permitted. Ballots are counted in public by the inspector. As soon as votes are counted at a polling place, a certificate is drawn and signed by the board of elections. The board of directors meets the following Monday to canvass the returns.

Diking, Drainage, and Flood Control Districts.

Several special purpose districts provide diking, drainage, and flood control facilities and services. These include:

- diking districts;
- drainage districts;
- diking, drainage, or sewerage improvement districts;
- intercounty diking and drainage districts;
- consolidated diking, drainage, diking improvement, or drainage improvement districts;
- and
- flood control districts.

These districts are authorized to engage in flood control activities; drainage, stormwater, and surface water control; lake or river restoration; aquatic plant control; and water quality enhancement activities. These districts may also operate and maintain improvements and facilities necessary to prevent flooding from rivers, streams, and tidal waters or to control and treat stormwater, surface water, and flood water.

To form one of these districts, the county engineer determines whether the project is feasible and if so, the county legislative authority schedules a public hearing. After the hearing, the county legislative authority will call an election if it finds that creation of the special district would meet specified criteria related to public welfare and economic feasibility. The election must be held on one of the special election dates under the general election laws, Title 29A.

Board of Supervisors.

Each of these districts is governed by a three-member board, elected to staggered six-year terms. Primary elections are not held. General elections are held on the first Tuesday after the first Monday in February in each even-numbered year. Elections are not required if no one or only one person files for the position.

Voting Rights.

To be qualified to vote, a person must be registered to vote for at least 30 days before an election and own land in the district for at least 30 days before an election. Each owner receives two votes.

A corporation or partnership is eligible to vote if it has owned land in the district for at least 60 days before an election. The corporation or partnership must designate either one person to cast both of its two votes, or two people to cast one vote each.

The state, state agencies, or political subdivisions that own land in the district may vote in district elections except for board member elections.

For diking improvement, drainage improvement, and flood control districts, owners of more than 10 acres of land receive two additional votes for each 10 acres or major fraction thereof that they own up to a maximum of 40 votes.

Election Mechanics.

A district with at least 500 qualified voters may conduct the election itself or contract with the county auditor. Districts with fewer than 500 qualified voters must contract with the auditor. If the election is not conducted by mail, the district board must appoint three people to act as election officials. Ballots are distributed to people that show up the day of the election. A person need not register in advance but may show up at the election with documents or evidence sufficient to establish eligibility to vote. Elections must be held for at least six consecutive hours between 7 a.m. and 8 p.m. Absentee voting is also permitted. The county auditor receives the ballots, counts them, and certifies the vote count.

Conservation Districts.

The State Conservation Commission (SCC) consists of 10 members, two of whom are appointed by the Governor and three of whom are elected by conservation district supervisors. The Directors of the Department of Ecology and the Department of Agriculture, the Commissioner of

Public Lands, the President of the Washington Association of Conservation Districts, and the Dean of the College of Agriculture at Washington State University are ex officio members of the SCC.

Conservation districts are special purpose districts that are organized to promote the conservation of renewable natural resources. A conservation district may be formed when 20 percent of the voters within the proposed district area file a petition with the SCC. A public hearing is then held, and the SCC may call an election if it finds that the public health, safety, and welfare warrant the creation of the district. If a majority of voters support a district, the SCC then determines whether the project is practicable. If so, the district is created.

Board of Supervisors.

The board of supervisors of a conservation district is comprised of five members, three of whom are elected to staggered three-year terms. Two of the three elected supervisors must be landowners or operators of a farm. The other two supervisors are appointed by the SCC; one must be a landowner or the operator of a farm.

Voting Rights.

The SCC may determine the qualifications necessary to vote. By SCC rule, an individual registered to vote in the county where the district is located and who resides within the conservation district boundaries may vote.

Election Mechanics.

For the creation of a district, the SCC sets the date of the election and designates the polling places. For elections to the board of supervisors, the board of supervisors sets the date of the election during the first quarter of the calendar year. To appear on the ballot, a person must file a petition signed by 25 electors.

Title 29A Elections.

Other than these types of special districts and a few other exceptions, local government and special district elections are conducted under Title 29A. Candidates file for office during a filing period in May; a primary is held to narrow the field to two candidates in August; and a general election is held on the first Tuesday after the first Monday in November. General elections for local government candidates are conducted in odd-numbered years, except for counties in which the charter specifies even-year elections. Special elections may be called by a county auditor on one of four days (one in February, one in April, and the date of the August primary or November general election) when the legislative authority so requests.

Ballots are mailed to voters by the county auditor, who largely conducts the elections at the county level, and returned ballots are canvassed by a county canvassing board. Each registered voter is entitled to one vote in the local government races for the jurisdictions in which the voter resides. Elections are overseen by the Secretary of State's office. The Public Disclosure Commission oversees campaign finance laws and rules for these elections.

Summary of Bill:

General Changes in Election Procedures.

Elections for these special districts are conducted under Title 29A using the same procedures as other local government elections, except that elections are held on the general election date in November of even-numbered years.

Whenever the change to general elections in November of even-numbered years results in a situation in which the term of office of an elected official is scheduled to expire but a general election for that office has not yet been held, the elected official shall continue to serve until a successor is elected and qualified. (For example, a district director elected in 2018 whose term is scheduled to expire in 2021 shall continue to serve that term until she is reelected or replaced in the 2022 general election.)

Special elections may no longer be ordered by a board of directors or supervisors, but instead must be requested to the county auditor using the same procedure and dates that are applicable to other local government special elections.

Candidates file for office during the filing period under Title 29A for all other state and local offices. Elections must be held even if only one candidate files for office.

Primaries are not held for the initial elections of boards of directors or supervisors, elections in which more than one person is elected. Primaries are held for subsequent elections.

Land-Ownership Requirements are Removed.

Qualified voters for purposes of these special districts are people who are registered voters in Washington that reside within the special district or proposed special district. Each qualified voter is entitled to one vote. Any qualified voter may be a candidate for the board of directors or supervisors.

Petitions to form or merge a district may be filed by qualified voters rather than landowners.

Corporations may not vote.

Governing Body Term Lengths are Modified.

Term lengths for diking, drainage, flood control, and related district supervisors are reduced from six to four years.

Term lengths for conservation district supervisors are increased from three to four years.

All Conservation District Supervisors are Elected.

All five conservation district supervisors are elected, rather than having two appointed by the SCC. Landownership or farming requirements are removed for all supervisors. After the effective date of this act, an appointed supervisor may continue to serve until a successor is elected in the November general election prior to the scheduled end of his or her term—unless such a general election would be in an odd-numbered year, in which case the supervisor may continue to serve until a successor is elected in the November general election following the scheduled end of his or her term. The exception to Public Disclosure Commission oversight for conservation district elections is repealed.

Appropriation: None.

Fiscal Note: Requested on January 14, 2020.

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