

---

**HOUSE BILL 2415**

---

**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representatives Hudgins, Gregerson, Pollet, and Wylie

Read first time 01/14/20. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to conforming elections for certain special  
2 districts with Title 29A RCW; amending RCW 29A.04.330, 85.38.010,  
3 85.05.065, 85.05.085, 85.06.015, 85.08.015, 85.08.025, 85.08.300,  
4 85.08.305, 85.08.850, 85.08.860, 85.08.870, 85.20.030, 85.22.030,  
5 85.24.015, 85.32.150, 85.38.050, 85.38.060, 85.38.070, 85.38.090,  
6 85.38.100, 85.38.105, 85.38.115, 85.38.120, 85.38.125, 86.09.020,  
7 86.09.172, 86.09.259, 86.09.601, 86.09.622, 86.15.050, 85.38.127,  
8 85.38.290, 87.03.005, 87.03.020, 87.03.030, 87.03.040, 87.03.075,  
9 87.03.080, 87.03.081, 87.03.190, 87.03.215, 87.03.470, 87.03.480,  
10 87.03.485, 87.03.535, 87.03.560, 87.03.590, 87.03.615, 87.03.630,  
11 87.03.635, 87.03.650, 87.03.675, 87.03.740, 87.03.845, 87.03.847,  
12 87.04.010, 87.04.070, 87.19.010, 87.19.020, 87.22.120, 87.22.125,  
13 87.28.103, 87.52.015, 87.52.030, 87.52.080, 87.52.090, 87.53.040,  
14 87.53.050, 87.56.010, 87.84.020, 87.84.070, 89.08.110, 89.08.120,  
15 89.08.130, 89.08.140, 89.08.160, 89.08.190, and 89.08.200; creating  
16 new sections; repealing RCW 85.38.110, 85.38.130, 86.09.377,  
17 86.09.379, 87.03.031, 87.03.032, 87.03.033, 87.03.034, 87.03.035,  
18 87.03.045, 87.03.051, 87.03.071, 87.03.085, 87.03.090, 87.03.095,  
19 87.03.100, 87.03.105, 87.03.110, 87.53.060, and 42.17A.010; and  
20 repealing 2002 c 43 s 1 (uncodified).

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

**PART I**  
**GENERAL PROVISIONS**

**Sec. 101.** RCW 29A.04.330 and 2015 c 146 s 2 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

(a) Elections for the recall of any elective public officer;

(b) Public utility districts (~~(, conservation districts,)~~) or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto; and

(c) Consolidation proposals as provided for in RCW 28A.315.235 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW (~~(, and~~

~~(d) Special flood control districts consisting of three or more counties).~~

(2) Subsection (1) of this section does not apply to diking and drainage and related districts governed by Title 85 RCW, flood control and related districts governed by Title 86 RCW, irrigation and related districts governed by Title 87 RCW, and conservation districts governed by chapter 89.08 RCW, all of which shall hold general elections on the statewide general election date in even-numbered years.

(3) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor prior to the proposed election date, shall call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. Such a special election shall be held on one of the following dates as decided by the governing body:

(a) The second Tuesday in February;

(b) The fourth Tuesday in April;

(c) The day of the primary election as specified by RCW 29A.04.311; or

(d) The first Tuesday after the first Monday in November.

1       (~~(3)~~) (4) A resolution calling for a special election on a date  
2 set forth in subsection (~~(2)~~) (3)(a) and (b) of this section must  
3 be presented to the county auditor at least sixty days prior to the  
4 election date. A resolution calling for a special election on a date  
5 set forth in subsection (~~(2)~~) (3)(c) of this section must be  
6 presented to the county auditor no later than the Friday immediately  
7 before the first day of regular candidate filing. A resolution  
8 calling for a special election on a date set forth in subsection  
9 (~~(2)~~) (3)(d) of this section must be presented to the county  
10 auditor no later than the day of the primary.

11       (~~(4)~~) (5) In addition to subsection (~~(2)~~) (3)(a) through (d)  
12 of this section, a special election to validate an excess levy or  
13 bond issue may be called at any time to meet the needs resulting from  
14 fire, flood, earthquake, or other act of God, except that no special  
15 election may be held between the first day for candidates to file for  
16 public office and the last day to certify the returns of the general  
17 election other than as provided in subsection (~~(2)~~) (3)(c) and (d)  
18 of this section. Such special election shall be conducted and notice  
19 thereof given in the manner provided by law.

20       (~~(5)~~) (6) This section shall supersede the provisions of any  
21 and all other statutes, whether general or special in nature, having  
22 different dates for such city, town, and district elections, the  
23 purpose of this section being to establish mandatory dates for  
24 holding elections.

25       NEW SECTION. **Sec. 102.** Whenever, as a result of the application  
26 of this act, the term of office of an elected official is scheduled  
27 to expire under RCW 29A.60.280 but a general election for that office  
28 has not yet been held, the elected official shall continue to serve  
29 until a successor is elected and qualified and assumes office in  
30 accordance with RCW 29A.60.280.

31       **Sec. 103.** RCW 85.38.010 and 1991 c 349 s 1 are each amended to  
32 read as follows:

33       Unless the context clearly requires otherwise, the definitions in  
34 this section apply throughout this chapter:

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

37       (2) "Owner of land" means the record owner of at least a majority  
38 ownership interest in a separate and legally created lot or parcel of

1 land, as determined by the records of the county auditor, except that  
2 if the lot or parcel has been sold under a real estate contract, the  
3 vendee or grantee shall be deemed to be the owner of such land for  
4 purposes of authorizing voting rights. It is assumed, unless shown  
5 otherwise, that the name appearing as the owner of property on the  
6 property tax rolls is the current owner.

7 (3) "Qualified voter of a special district" means a natural  
8 person who is (~~either: (a) A natural person who is~~) a registered  
9 voter under general state election laws (~~(, registered to vote in the~~  
10 ~~state of Washington for a period of not less than thirty days before~~  
11 ~~the election, and the owner of land located in the special district~~  
12 ~~for a period of not less than thirty days before the election; (b) a~~  
13 ~~corporation or partnership that has owned land located in the special~~  
14 ~~district for a period of not less than sixty days before the~~  
15 ~~election; or (c) the state, its agencies or political subdivisions~~  
16 ~~that own land in the special district or lands proposed to be annexed~~  
17 ~~into the special district except that the state, its agencies and~~  
18 ~~political subdivisions shall not be eligible to vote to elect a~~  
19 ~~member of the governing board of a special district)) and who resides  
20 within the special district or proposed special district.~~

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

27 (5) "Special district general election" means the election of a  
28 special district regularly held (~~on the first Tuesday after the~~  
29 ~~first Monday in February in each even-numbered year at which a member~~  
30 ~~of the special district governing body is regularly elected)) as  
31 provided in RCW 29A.04.321.~~

## 32 PART II

### 33 DIKING AND DRAINAGE DISTRICTS

34 **Sec. 201.** RCW 85.05.065 and 1985 c 396 s 31 are each amended to  
35 read as follows:

36 Diking districts shall possess the authority and shall be created  
37 as provided in chapter 85.38 RCW, (~~district voting rights shall be~~

1 ~~determined,)~~) and district elections shall be held as provided in  
2 chapter 85.38 RCW and Title 29A RCW.

3 **Sec. 202.** RCW 85.05.085 and 1985 c 396 s 37 are each amended to  
4 read as follows:

5 The board of dike commissioners shall consist of three elected  
6 commissioners. The initial commissioners shall be appointed, and the  
7 elected commissioners elected, as provided in chapter 85.38 RCW and  
8 Title 29A RCW. The board of dike commissioners shall have the  
9 exclusive charge of the construction and maintenance of all dikes or  
10 dike systems which may be constructed within the district, and shall  
11 be the executive officers thereof, with full power to bind the  
12 district by their acts in the performance of their duties, as  
13 provided by law.

14 **Sec. 203.** RCW 85.06.015 and 1985 c 396 s 32 are each amended to  
15 read as follows:

16 Drainage districts shall possess the authority and shall be  
17 created as provided in chapter 85.38 RCW, (~~district voting rights~~  
18 ~~shall be determined,)~~) and district elections shall be held as  
19 provided in chapter 85.38 RCW and Title 29A RCW.

20 **Sec. 204.** RCW 85.08.015 and 1985 c 396 s 33 are each amended to  
21 read as follows:

22 Diking, drainage, or sewerage improvement districts shall possess  
23 the authority and shall be created as provided in chapter 85.38 RCW,  
24 (~~district voting rights shall be determined,)~~) and district  
25 elections shall be held as provided in chapter 85.38 RCW and Title  
26 29A RCW.

27 **Sec. 205.** RCW 85.08.025 and 1991 c 349 s 3 are each amended to  
28 read as follows:

29 Each qualified voter of a diking improvement or drainage  
30 improvement district (~~who owns more than ten acres of land within~~  
31 ~~the district shall be entitled to two additional votes for each ten~~  
32 ~~acres or major fraction thereof located within the district, up to a~~  
33 ~~maximum total of forty votes for any voter, or in the case of~~  
34 ~~community property, a maximum total of twenty votes per member of the~~  
35 ~~marital community: PROVIDED, That this additional voting provision~~  
36 ~~shall only apply in districts that were not in operation and did not~~

1 ~~have improvements as of May 14, 1925))~~ is entitled to one vote. For  
2 purposes of this section, "qualified voter" is defined in RCW  
3 85.38.010.

4 **Sec. 206.** RCW 85.08.300 and 1985 c 396 s 45 are each amended to  
5 read as follows:

6 The board of supervisors of the district shall consist of three  
7 elected supervisors. The initial supervisors shall be appointed, and  
8 the first elected supervisor elected, as provided in chapter 85.38  
9 RCW and Title 29A RCW. The board of supervisors shall have charge of  
10 the construction and maintenance of the systems of improvements,  
11 subject to the limitations hereinafter set forth, and may employ a  
12 superintendent of construction and maintenance who may be one of the  
13 two elected supervisors. The supervisors may be employed upon the  
14 construction or maintenance, receiving the same compensation as other  
15 labor of like character.

16 When a district contains not more than five hundred acres, (~~or~~  
17 ~~when a petition is presented to the county legislative authority~~  
18 ~~signed by the owners of fifty percent of the acreage of the district~~  
19 ~~praying for such action,)) the county engineer shall act as the sole  
20 supervisor of the district; and in such case the allowance of all  
21 claims against the district shall be by the county legislative  
22 authority.~~

23 **Sec. 207.** RCW 85.08.305 and 1985 c 396 s 23 are each amended to  
24 read as follows:

25 (~~The county engineer shall continue to act as a supervisor of a~~  
26 ~~diking, drainage, or sewerage improvement district that is governed~~  
27 ~~by a three-member board of supervisors until a replacement assumes~~  
28 ~~office after being elected at the 1987 special district general~~  
29 ~~election. At that election two supervisors shall be elected, with the~~  
30 ~~person receiving the greatest number of votes being elected to a six-~~  
31 ~~year term, and the person receiving the second greatest number of~~  
32 ~~votes being elected to a four-year term. Thereafter, all)) All  
33 supervisors shall be elected to (~~six-year~~) four-year terms.~~

34 **Sec. 208.** RCW 85.08.850 and 2001 c 149 s 2 are each amended to  
35 read as follows:

36 The petition requesting the merger shall be signed by the board  
37 of supervisors of, or by ten (~~landowners~~) qualified voters located

1 within, the drainage improvement district, joint drainage improvement  
2 district, or consolidated drainage improvement district and presented  
3 to the clerk or clerks of the appropriate county legislative  
4 authority or authorities, at a regular or special meeting.

5 **Sec. 209.** RCW 85.08.860 and 1957 c 94 s 5 are each amended to  
6 read as follows:

7 If it appears to the board or boards of county commissioners that  
8 all portions of the drainage improvement district, joint drainage  
9 improvement district, or consolidated drainage improvement district  
10 will, as a result of the proceedings, be merged with the irrigation  
11 district or irrigation districts and that the board or boards of  
12 directors of the irrigation district or irrigation districts into  
13 which the drainage improvement, joint drainage improvement district,  
14 or consolidated drainage improvement district will be merged, which  
15 irrigation district or irrigation districts shall be named in the  
16 petition, are agreeable to the merger, and that the assent or assents  
17 thereto, in writing, by said irrigation district board or boards have  
18 been filed with the board or boards of county commissioners, the  
19 board or boards of county commissioners shall (~~order an~~) request a  
20 special election to be held, consistent with RCW 29A.04.330, in the  
21 drainage improvement district, joint drainage improvement district,  
22 or consolidated drainage improvement district to approve or  
23 disapprove the merger (~~and shall fix the time thereof and cause~~  
24 ~~notice to be published~~)).

25 **Sec. 210.** RCW 85.08.870 and 1957 c 94 s 6 are each amended to  
26 read as follows:

27 The notice shall be given and the election conducted in the  
28 manner, so far as is applicable, as for the election of members of  
29 the board of supervisors of a drainage improvement district, in  
30 accordance with chapter 85.38 RCW and Title 29A RCW. The notice shall  
31 advise of the election so ordered and the date, time and place  
32 thereof, state the filing of the petition, the names of those signing  
33 the petition and prayer thereof, and shall require the voters to cast  
34 ballots with the words "Merger, Yes" or "Merger, No."

35 **Sec. 211.** RCW 85.20.030 and 1985 c 396 s 48 are each amended to  
36 read as follows:

1 Whenever a petition is presented as provided in RCW 85.20.020,  
2 the county legislative authority shall ~~((order an))~~ request a special  
3 election to be held, consistent with RCW 29A.04.330, to determine if  
4 the district shall be reorganized. ~~((The county legislative authority~~  
5 ~~shall specify the election date which may or may not be at the normal~~  
6 ~~special district general election.))~~ Notice of the election shall be  
7 posted and published, and the election shall be conducted ~~((, as for))~~  
8 in the same manner as any special district election conducted under  
9 chapter 85.38 RCW and Title 29A RCW. The notice shall state the  
10 number of the district so petitioning to reorganize ~~((, the place~~  
11 ~~where))~~ and the time when the election is to be held. ~~((The auditor~~  
12 ~~shall certify the results of the election to the county legislative~~  
13 ~~authority.))~~ If the proposition to reorganize the district is  
14 approved by a simple majority vote of the voters voting on the  
15 proposition, the district shall be reorganized as either a diking  
16 improvement district or drainage improvement district upon the county  
17 legislative authority ordering the reorganization. The district shall  
18 be liable to the county for its costs incurred for the election.

19 **Sec. 212.** RCW 85.22.030 and 1985 c 396 s 50 are each amended to  
20 read as follows:

21 Whenever a petition is presented as provided in RCW 85.22.020,  
22 the county legislative authority shall ~~((order an))~~ request a special  
23 election to be held, consistent with RCW 29A.04.330, to determine if  
24 the district shall be reorganized. ~~((The county legislative authority~~  
25 ~~shall specify the election date which may or may not be the same as~~  
26 ~~the regular special district general election.))~~ Notice of the  
27 election shall be posted and published, and the election shall be  
28 conducted ~~((, as for))~~ in the same manner as any special district  
29 election conducted under chapter 85.38 RCW and Title 29A RCW. The  
30 notice shall state the number of the district so petitioning to  
31 reorganize ~~((, the place where))~~ and the time when the election is to  
32 be held. ~~((The auditor shall certify the results of the election to~~  
33 ~~the county legislative authority.))~~ If the proposition to reorganize  
34 the district is approved by a simple majority vote of the voters  
35 voting on the proposition, the district shall be reorganized as  
36 either a diking improvement district or drainage improvement district  
37 upon the county legislative authority ordering the reorganization.  
38 The district shall be liable to the county for its costs incurred for  
39 the election.



1       **Sec. 213.** RCW 85.24.015 and 1985 c 396 s 34 are each amended to  
2 read as follows:

3       Intercounty diking and drainage districts shall possess the  
4 authority and shall be created as provided in chapter 85.38 RCW,  
5 ~~((district voting rights shall be determined,))~~ and district  
6 elections shall be held as provided in chapter 85.38 RCW and Title  
7 29A RCW.

8       **Sec. 214.** RCW 85.32.150 and 1961 c 131 s 16 are each amended to  
9 read as follows:

10       Whenever lands, or lands with improvements thereon, lying outside  
11 of the existing territorial limits of such district are ultimately  
12 placed upon the assessment roll of such district in the manner  
13 provided by this chapter so that such lands are subject to  
14 maintenance benefits as provided, ~~((the owner of))~~ a qualified voter  
15 who resides on such land shall be deemed to be an elector within such  
16 district, and shall have the same right to participate in all  
17 district affairs and to vote upon all matters submitted to the  
18 electors of said district, including that of electing or becoming  
19 commissioners for the district, all in the manner provided for voting  
20 and elections under existing law pertaining to drainage districts.  
21 ~~((If such owner is a corporation, one of its duly constituted~~  
22 ~~officers shall be deemed to have the right as an elector to vote on~~  
23 ~~behalf of such corporation.))~~

24       **Sec. 215.** RCW 85.38.050 and 1991 c 349 s 9 are each amended to  
25 read as follows:

26       The county legislative authority or authorities shall conduct the  
27 public hearing at the date, time, and place indicated in the notice.  
28 Public hearings may be continued to other dates, times, and places  
29 specified by the county legislative authority or authorities before  
30 the adjournment of the public hearing. Each county legislative  
31 authority may alter those portions of boundaries of the proposed  
32 special district that are located within the county, but if territory  
33 is added that was not described in the original proposed boundaries,  
34 an additional hearing on the proposal shall be held with notice being  
35 published as provided in RCW 85.38.040.

36       After receiving the public testimony, the county legislative  
37 authority may ~~((cause an))~~ request a special election to be held,

1 consistent with RCW 29A.04.330, to authorize the creation of a  
2 special district if it finds:

3 (1) That creation of the special district will be conducive to  
4 the public health, convenience and welfare;

5 (2) That the creation of the special district will be of special  
6 benefit to a majority of the lands included within the special  
7 district; and

8 (3) That the proposed improvements are feasible and economical,  
9 and that the benefits of these improvements exceed costs for the  
10 improvements.

11 If the proposed special district is located within two or more  
12 counties, the county legislative authorities may ~~((cause an))~~ request  
13 a special election to be held to authorize the creation of the  
14 special district upon making the findings set forth in subsections  
15 (1) through (3) of this section.

16 The county legislative authority or authorities may also choose  
17 not to ~~((allow))~~ request such an election to be held, consistent with  
18 RCW 29A.04.330, by either failing to act or finding that one or more  
19 of these factors are not met.

20 **Sec. 216.** RCW 85.38.060 and 2015 c 53 s 100 are each amended to  
21 read as follows:

22 ~~((The county legislative authority or authorities shall cause an  
23 election on the question of creating the special district to be held  
24 if findings as provided in RCW 85.38.050 are made. The county  
25 legislative authority or authorities shall designate a time and date  
26 for such election, which shall be one of the special election dates  
27 provided for in RCW 29A.04.330, together with the site or sites at  
28 which votes may be cast.))~~ The persons allowed to vote on the  
29 creation of a special district shall be those persons who, if the  
30 special district were created, would be qualified voters of the  
31 special district as described in RCW 85.38.010. The county auditor or  
32 auditors of the counties within which the proposed special district  
33 is located shall conduct the election ~~((and prepare a list of  
34 presumed eligible voters))~~ in accordance with Title 29A RCW.

35 ~~((Notices for the election shall be published as provided in RCW  
36 85.38.040.))~~ The special district shall be created if the proposition  
37 to create the special district is approved by a simple majority vote  
38 of the voters voting on the proposition and the special district may

1 assume operations whenever the initial members of the governing body  
2 are appointed as provided in RCW 85.38.070.

3 Any special district created after July 28, 1985, may only have  
4 special assessments measured and imposed, and budgets adopted, as  
5 provided in RCW 85.38.140 through 85.38.170.

6 If the special district is created, the county or counties may  
7 charge the special district for the costs incurred by the county  
8 engineer or engineers pursuant to RCW 85.38.030 and the costs of the  
9 auditor or auditors related to the election to authorize the creation  
10 of the special district pursuant to this section. Such county actions  
11 shall be deemed to be special benefits of the property located within  
12 the special district that are paid through the imposition of special  
13 assessments.

14 **Sec. 217.** RCW 85.38.070 and 2015 c 53 s 101 are each amended to  
15 read as follows:

16 (1) Except as provided in RCW 85.38.090, each special district  
17 shall be governed by a three-member governing body. The term of  
18 office for each member of a special district governing body shall be  
19 ~~((six))~~ four years and until his or her successor is elected and  
20 qualified. One member of the governing body shall be elected at the  
21 time of special district general elections in each even-numbered year  
22 for a term of ~~((six))~~ four years beginning as soon as the election  
23 returns have been certified for assumption of office by elected  
24 officials of cities.

25 ~~((The terms of office of members of the governing bodies of  
26 special districts, who are holding office on July 28, 1985, shall be  
27 altered to provide staggered six-year terms as provided in this  
28 subsection. The member who on July 28, 1985, has the longest term  
29 remaining shall have his or her term altered so that the position  
30 will be filled at the February 1992, special district general  
31 election; the member with the second longest term remaining shall  
32 have his or her term altered so that the position will be filled at  
33 the December, 1989, special district general election; and the member  
34 with the third longest term of office shall have his or her term  
35 altered so that the position will be filled at the December, 1987,  
36 special district general election.~~

37 ~~((3))~~) The initial members of the governing body of a newly  
38 created special district shall be appointed by the legislative  
39 authority of the county within which the special district, or the

1 largest portion of the special district, is located. These initial  
2 governing body members shall serve until their successors are elected  
3 and qualified at the next special district general election held at  
4 least ninety days after the special district is established. At that  
5 election the first elected members of the governing body shall be  
6 elected. No primary elections may be held for the initial election.  
7 Any qualified voter of a special district may become a candidate for  
8 such a position by (~~filing written notice of this intention with the~~  
9 ~~county auditor at least thirty, but not more than sixty, days before~~  
10 ~~a special district general election. The county auditor in~~  
11 ~~consultation with the special district shall establish the filing~~  
12 ~~period~~) filing a declaration of candidacy as provided in chapter  
13 29A.24 RCW. The names of all candidates for such positions shall be  
14 listed alphabetically. At this first election, the candidate  
15 receiving the greatest number of votes shall have a (~~six-year~~)  
16 four-year term, the candidate receiving the second greatest number of  
17 votes shall have a four-year term, and the candidate receiving the  
18 third greatest number of votes shall have a two-year term of office.  
19 The initially elected members of a governing body shall take office  
20 immediately when qualified as defined in RCW 29A.04.133(~~. Thereafter~~  
21 ~~the candidate receiving the greatest number of votes shall be elected~~  
22 ~~for a six-year term of office. Members of a governing body~~) and  
23 shall hold their office until their successors are elected and  
24 qualified, and assume office as soon as the election returns have  
25 been certified.

26 (~~(4)~~) (3) The (~~requirements for the filing period and method~~  
27 ~~for filing declarations of candidacy for the governing body of the~~  
28 ~~district and the arrangement of candidate names on the ballot~~)  
29 procedures for all special district elections conducted after the  
30 initial election in the district (~~shall be the same as the~~  
31 ~~requirements for the initial election in the district~~) must comply  
32 with this chapter and Title 29A RCW, and a primary election must be  
33 held. (~~No primary elections may be held for the governing body of a~~  
34 ~~special district~~) Members of the governing body shall be elected for  
35 a four-year term of office and shall hold their office until their  
36 successors are elected and qualified, and assume office as soon as  
37 the election returns have been certified.

38 (~~(5)~~) (4) Whenever a vacancy occurs in the governing body of a  
39 special district, the legislative authority of the county within  
40 which the special district, or the largest portion of the special

1 district, is located, shall appoint a district voter to serve until a  
2 person is elected, at the next special district general election  
3 occurring sixty or more days after the vacancy has occurred, to serve  
4 the remainder of the unexpired term. The person so elected shall take  
5 office immediately when qualified as defined in RCW 29A.04.133.

6 If an election for the position which became vacant would  
7 otherwise have been held at this special district election, only one  
8 election shall be held and the person elected to fill the succeeding  
9 term for that position shall take office immediately when qualified  
10 as defined in RCW 29A.04.133 and shall serve both the remainder of  
11 the unexpired term and the succeeding term. A vacancy occurs upon the  
12 death, resignation, or incapacity of a governing body member or  
13 whenever the governing body member ceases being a qualified voter of  
14 the special district.

15 ~~((+6))~~ (5) An elected or appointed member of a special district  
16 governing body, or a candidate for a special district governing body,  
17 must be a qualified voter of the special district(~~(: PROVIDED, That~~  
18 ~~the state, its agencies and political subdivisions, or their~~  
19 ~~designees under RCW 85.38.010(3) shall not be eligible for election~~  
20 ~~or appointment)~~).

21 **Sec. 218.** RCW 85.38.090 and 2010 c 131 s 1 are each amended to  
22 read as follows:

23 (1) Whenever the governing body of a special district has more  
24 than three members, the governing body shall be reduced to three  
25 members as of January 1, 1986, by eliminating the positions of those  
26 district governing body members with the shortest remaining terms of  
27 office. The remaining three governing body members shall have  
28 staggered terms with the one having the shortest remaining term  
29 having his or her position filled at the 1987 special district  
30 general election, the one with the next shortest remaining term  
31 having his or her position filled at the 1989 special district  
32 general election, and the one with the longest remaining term having  
33 his or her position filled at the 1992 special district general  
34 election. If any of these remaining three governing body members have  
35 identical remaining terms of office, the newly calculated remaining  
36 terms of these persons shall be determined by lot with the county  
37 auditor who assists the special district in its elections managing  
38 such lot procedure. The newly established terms shall be recorded by  
39 the county auditor.

1 (2) However, whenever five or more special districts have  
2 consolidated under chapter 85.36 RCW and the consolidated district  
3 has five members in its governing body on July 28, 1985, the  
4 consolidated district may adopt a resolution retaining a five-member  
5 governing body. At any time thereafter, such a district may adopt a  
6 resolution and reduce the size of the governing body to three members  
7 with the reduction occurring as provided in subsection (1) of this  
8 section, but the years of the effective dates shall be extended so  
9 that the reduction occurs at the next January 1st occurring after the  
10 date of the adoption of the resolution. Whenever a special district  
11 is so governed by a five-member governing body, two members shall be  
12 elected at each of two consecutive special district general  
13 elections, and one member shall be elected at the following special  
14 district general election, each to serve a ~~((six-year))~~ four-year  
15 staggered term.

16 (3) Nothing in this section permits the governing body of a flood  
17 control district that is subject to RCW 85.38.290 to reduce the size  
18 of its governing body.

19 **Sec. 219.** RCW 85.38.100 and 1991 c 349 s 5 are each amended to  
20 read as follows:

21 General and special elections shall be held in each special  
22 district on the ~~((first Tuesday after the first Monday in February in  
23 each even-numbered year. The auditor of the county within which a  
24 special district, or the largest portion of a special district, is  
25 located may provide for special elections whenever necessary))~~ dates  
26 provided in RCW 29A.04.330.

27 **Sec. 220.** RCW 85.38.105 and 2009 c 144 s 1 are each amended to  
28 read as follows:

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

33 ~~(2) If multiple undivided interests, other than community  
34 property interests, exist in a lot or parcel and no person owns a  
35 majority undivided interest, the owners of undivided interests at  
36 least equal to a majority interest may designate in writing:~~

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

1 ~~(b) Which two owners are eligible to vote and may cast one vote~~  
2 ~~each.~~

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

7 ~~(4) A corporation, partnership, or governmental entity shall~~  
8 ~~designate:~~

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

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

11 ~~(5) Except as provided in RCW 85.08.025 and 86.09.377, no owner~~  
12 ~~of land may cast more than two votes or have more than two votes cast~~  
13 ~~for him or her in a special district election.) Each qualified voter~~  
14 ~~may cast one vote for each office or ballot question in each~~  
15 ~~election.~~

16 **Sec. 221.** RCW 85.38.115 and 1991 c 349 s 6 are each amended to  
17 read as follows:

18 No election shall be held to elect a member of a special district  
19 governing body, or to fill the remainder of an unexpired term which  
20 arose from a vacancy on the governing body, if no one (~~or only one~~  
21 ~~person~~) files for the position.

22 (~~If only one person files for the position, he or she shall be~~  
23 ~~considered to have been elected to the position at the election that~~  
24 ~~otherwise would have taken place for such position.))~~

25 If no one files for the position and the upcoming election is one  
26 at which someone would have been elected to fill the expired term,  
27 the position shall be treated as vacant at the expiration of the  
28 term.

29 If no one files for the position and the upcoming election is one  
30 at which someone would have been elected to fill the remaining term  
31 of office, the person appointed to fill the vacancy shall be  
32 considered to have been elected to the position at the election and  
33 shall serve for the remainder of the unexpired term.

34 **Sec. 222.** RCW 85.38.120 and 1991 c 349 s 14 are each amended to  
35 read as follows:

36 The auditor of the county within which a special district, or the  
37 largest portion of a special district, is located shall assist such  
38 special district with its elections as provided in this section.

1 (1) The county auditor shall publish notice of an election to  
2 create a special district and notice of all special district  
3 elections (~~(not conducted by mail)~~) in a newspaper of general  
4 circulation in the special district at least once not more than ten  
5 nor less than three days before the election. The notices shall  
6 describe the election(~~(r)~~) and give its date and times to be held(~~(r~~  
7 ~~and indicate the election site or sites in the special district where~~  
8 ~~ballots may be cast)~~).

9 (2) If a special district has at least five hundred qualified  
10 voters, then the county auditor shall publish in a newspaper of  
11 general circulation in the special district a notice of the filing  
12 period and place for filing a declaration of candidacy under chapter  
13 29A.24 RCW to become a member of the governing body. This notice  
14 shall be published at least seven days prior to the closing of the  
15 filing period. If the special district has less than five hundred  
16 qualified voters, then the special district shall mail or deliver  
17 this notice to each qualified voter of the special district at least  
18 seven days prior to the closing of the filing period.

19 (3) All costs of the county auditor incurred related to such  
20 elections shall be reimbursed by the special district.

21 **Sec. 223.** RCW 85.38.125 and 2011 c 10 s 83 are each amended to  
22 read as follows:

23 (~~((1) If a special district has less than five hundred qualified~~  
24 ~~voters, then the))~~ A special district must contract with the county  
25 auditor to conduct the special district elections in a manner  
26 consistent with Title 29A RCW.

27 (~~((2) If a special district has at least five hundred qualified~~  
28 ~~voters, the special district may contract with the county auditor to~~  
29 ~~conduct the election. A special district with at least five hundred~~  
30 ~~qualified voters may also choose to conduct its own elections. A~~  
31 ~~special district that conducts its own elections must enter into an~~  
32 ~~agreement with the county auditor that specifies the responsibilities~~  
33 ~~of both parties.))~~)

34 **PART III**  
35 **FLOOD CONTROL DISTRICTS**

36 **Sec. 301.** RCW 86.09.020 and 1985 c 396 s 36 are each amended to  
37 read as follows:



1 Flood control districts shall possess the authority and shall be  
2 created as provided in chapter 85.38 RCW, (~~district voting rights~~  
3 ~~shall be determined,~~) and district elections shall be held as  
4 provided in chapter 85.38 RCW and Title 29A RCW.

5 **Sec. 302.** RCW 86.09.172 and 1937 c 72 s 58 are each amended to  
6 read as follows:

7 No contract, however, requiring the levy of assessments for more  
8 than one year shall be entered into by the district (~~as above~~  
9 ~~provided~~) under RCW 86.09.163 through 86.09.169 unless a proposition  
10 of entering into such a contract shall have first been submitted to  
11 the electors of the district (~~as herein provided for the calling,~~  
12 ~~noticing, conducting and canvassing of special district elections~~)  
13 in a general or special election, and by said electors approved.

14 **Sec. 303.** RCW 86.09.259 and 2013 c 23 s 448 are each amended to  
15 read as follows:

16 A flood control district shall be managed by a board of directors  
17 consisting of three members. The initial directors shall be  
18 appointed, and the elected directors elected, as provided in chapter  
19 85.38 RCW and Title 29A RCW. The directors shall elect a chair from  
20 their number and shall either elect one of their number, or appoint a  
21 voter of the district, as secretary to hold office at its pleasure  
22 and who shall keep a record of its proceedings.

23 **Sec. 304.** RCW 86.09.601 and 1937 c 72 s 201 are each amended to  
24 read as follows:

25 For the purpose of authorizing such utility bonds, an election  
26 shall be (~~called, noticed, held and canvassed by the same officers,~~  
27 ~~and in the same manner, as provided herein for the calling, noticing,~~  
28 ~~holding and canvassing of~~) conducted in the same manner as an  
29 election to authorize general obligation bonds.

30 **Sec. 305.** RCW 86.09.622 and 1985 c 396 s 83 are each amended to  
31 read as follows:

32 Flood control districts may be dissolved upon a favorable sixty  
33 percent vote of the electors voting at (~~an~~) a general election  
34 (~~for that purpose called, noticed, conducted and canvassed in the~~  
35 ~~manner provided in this chapter for special elections~~) or a special  
36 election called pursuant to RCW 29A.04.330 and no further district

1 obligations shall thereafter be incurred: PROVIDED, That the election  
2 shall not abridge or cancel any of the outstanding obligations of the  
3 district, and the county legislative authority of the county within  
4 which the major portion of the district is situated shall each year  
5 at the time and in the manner provided in this chapter for the levy  
6 of district assessments, levy assessments against the lands in the  
7 district and the same shall be collected and enforced in the manner  
8 provided herein, until the outstanding obligations of the district  
9 are fully paid.

10 **Sec. 306.** RCW 86.15.050 and 2015 c 53 s 102 are each amended to  
11 read as follows:

12 (1) The board of county commissioners of each county shall be ex  
13 officio, by virtue of their office, supervisors of the zones created  
14 in each county. In any zone with more than two thousand residents, an  
15 election of supervisors other than the board of county commissioners  
16 may be held as provided in this section.

17 (2) When proposed by citizen petition or by resolution of the  
18 board of county commissioners, a ballot proposition authorizing  
19 election of the supervisors of a zone shall be submitted by ordinance  
20 to the voters residing in the zone at any general election, or at any  
21 special election which may be called for that purpose, consistent  
22 with RCW 29A.04.330.

23 (3) The ballot proposition shall be submitted (a) if the board of  
24 county supervisors enacts an ordinance submitting the proposition  
25 after adopting a resolution proposing the election of supervisors of  
26 a zone; or (b) if a petition proposing the election of supervisors of  
27 a zone is submitted to the county auditor of the county in which the  
28 zone is located that is signed by registered voters within the zone,  
29 numbering at least fifteen percent of the votes cast in the last  
30 county general election by registered voters within the zone.

31 (4) Upon receipt of a citizen petition under subsection (3)(b) of  
32 this section, the county auditor shall determine whether the petition  
33 is signed by a sufficient number of registered voters, using the  
34 registration records and returns of the preceding general election,  
35 and, no later than forty-five days after receipt of the petition,  
36 shall attach to the petition the auditor's certificate stating  
37 whether or not sufficient signatures have been obtained. If the  
38 signatures are found by the auditor to be insufficient, the petition  
39 shall be returned to the person filing it.

1 (5) The ballot proposition authorizing election of supervisors of  
2 zones shall appear on the ballot of the next general election or at  
3 the next special election date specified under RCW 29A.04.330  
4 occurring sixty or more days after the last resolution proposing  
5 election of supervisors or the date the county auditor certifies that  
6 the petition proposing such election contains sufficient valid  
7 signatures.

8 (6) The petition proposing the election of zone supervisors, or  
9 the ordinance submitting the question to the voters, shall describe  
10 the proposed election process. The ballot proposition shall include  
11 the following:

12  "For the direct election of flood control zone district  
13 supervisors."

14  "Against the direct election of flood control zone district  
15 supervisors."

16 (7) The ordinance or petition submitting the ballot proposition  
17 shall designate the proposed composition of the supervisors of zones,  
18 which shall be clearly described in the ballot proposition. The  
19 ballot proposition shall state that the zone supervisors shall  
20 thereafter be selected by election, and, at the same election at  
21 which the proposition is submitted to the voters as to whether to  
22 elect zone supervisors, three zone supervisors shall be elected. The  
23 election of zone supervisors is null and void if the voters, by a  
24 simple majority, do not approve the direct election of the zone  
25 supervisors. Candidates shall run for specific supervisor positions.  
26 No primary may be held to nominate candidates for the initial  
27 election. The person receiving the greatest number of votes for each  
28 position shall be elected as a supervisor. The staggering of the  
29 terms of office shall occur as follows: (a) The person who is elected  
30 receiving the greatest number of votes shall be elected to a ~~((six-~~  
31 ~~year))~~ four-year term of office ~~((if the election is held in an odd-~~  
32 ~~numbered year or a five-year term of office if the election is held~~  
33 ~~in an even-numbered year));~~ (b) the person who is elected receiving  
34 the second greatest number of votes shall be elected to a four-year  
35 term of office ~~((if the election is held in an odd-numbered year or a~~  
36 ~~three-year term of office if the election is held in an even-numbered~~  
37 ~~year));~~ and (c) the other person who is elected shall be elected to a  
38 two-year term of office ~~((if the election is held in an odd-numbered~~  
39 ~~year or a one-year term of office if the election is held in an even-~~

1 ~~numbered—year~~). The initial supervisors shall take office  
2 immediately when they are elected and qualified, and for purposes of  
3 computing their terms of office the terms shall be assumed to  
4 commence on the first day of January in the year after they are  
5 elected. Thereafter, all supervisors shall be elected to ~~((six-year))~~  
6 four-year terms of office, and primary elections shall be held. All  
7 supervisors shall serve until their respective successors are elected  
8 and qualified and assume office in accordance with RCW 29A.60.280.  
9 Vacancies may occur and shall be filled as provided in chapter 42.12  
10 RCW.

11 (8) The costs and expenses directly related to the election of  
12 zone supervisors shall be borne by the zone.

13 **Sec. 307.** RCW 85.38.127 and 2009 c 144 s 2 are each amended to  
14 read as follows:

15 All registered voters who reside within a special flood control  
16 district consisting of three or more counties are qualified voters in  
17 special flood control district elections.

18 **Sec. 308.** RCW 85.38.290 and 2010 c 131 s 2 are each amended to  
19 read as follows:

20 The following provisions apply to the governing bodies of flood  
21 control districts that, upon creation, have territory in three or  
22 more counties:

23 (1) The governing body shall include one member from each county  
24 with territory in the district, and two additional members selected  
25 as provided by this section. No more than two governing members may  
26 be from the same county.

27 (2) The initial members of the governing body must be chosen by  
28 each county legislative authority within which the district resides,  
29 with each county choosing one member, and the two counties with the  
30 largest populations within the district choosing one additional  
31 member each. The initial governing body members shall serve until  
32 their successors are elected and qualified at the next special  
33 district general election. No primary election may be held for the  
34 initial election.

35 (3) At this first election, the members receiving the two  
36 greatest number of votes shall serve ~~((six-year))~~ four-year terms,  
37 ~~((the members receiving the third and fourth greatest number of votes~~

1 ~~shall serve four-year terms,~~) and the remaining members shall serve  
2 two-year terms of office.

3 (4) The ~~((requirements for the filing period, method for filing~~  
4 ~~declarations of candidacy, and the arrangement of candidate names on~~  
5 ~~the ballot))~~ procedures for all special district general elections  
6 conducted after the initial election in the district shall be the  
7 same as the requirements for the initial election in the district, in  
8 accordance with this chapter and Title 29A RCW, and a primary  
9 election shall be held. ~~((No primary elections may be held for the~~  
10 ~~governing body of a flood control district that, upon creation, has~~  
11 ~~territory in three or more counties.))~~

12 (5) A vacancy occurs upon the death, resignation, or incapacity  
13 of a governing body member, or whenever the governing body member  
14 ceases to be a registered voter of the district.

15 (6) (a) Whenever a vacancy occurs in the governing body, the  
16 legislative authority of the county within which the largest  
17 geographic portion of the district is located shall appoint a  
18 registered voter to serve until a person is elected, at the next  
19 special district general election occurring sixty or more days after  
20 the vacancy has occurred, to serve the remainder of the unexpired  
21 term. The person so elected shall take office immediately when  
22 qualified as defined in RCW 29A.04.133.

23 (b) If an election for the position that became vacant would  
24 otherwise have been held at this special district general election,  
25 only one election shall be held and the person elected to fill the  
26 succeeding term for that position shall take office immediately when  
27 qualified as defined in RCW 29A.04.133 and shall serve both the  
28 remainder of the unexpired term and the succeeding term.

29 (7) An elected or appointed member of the governing body, or a  
30 candidate for the governing body, must be a registered voter of the  
31 flood control district who has resided within the district for  
32 ~~((a))~~ a period of not less than thirty days before the election.  
33 ~~((In accordance with RCW 85.38.127, land ownership is not a~~  
34 ~~requirement for serving on the governing body of the district.))~~

35 **PART IV**  
36 **IRRIGATION DISTRICTS**

37 **Sec. 401.** RCW 87.03.005 and 1923 c 138 s 1 are each amended to  
38 read as follows:

1 Whenever fifty or a majority of the (~~holders of title to, or of~~  
2 ~~evidence of title to~~) qualified voters who reside on land  
3 susceptible of "irrigation" desire to organize an irrigation district  
4 for any or all of the purposes mentioned in RCW 87.03.010 and  
5 87.03.015, they may propose the organization of an irrigation  
6 district in the manner provided herein; and when so organized, such  
7 district shall have all the powers that may now or hereafter be  
8 conferred by law.

9 **Sec. 402.** RCW 87.03.020 and 2007 c 218 s 79 are each amended to  
10 read as follows:

11 For the purpose of organizing an irrigation district, a petition,  
12 signed by the required number of (~~holders of title or evidence of~~  
13 ~~title to land~~) qualified voters who reside within the proposed  
14 district, shall be presented to the board of county commissioners of  
15 the county in which the lands, or the greater portion thereof, are  
16 situated, which petition shall contain the following:

17 (1) A description of the lands to be included in the operation of  
18 the district, in legal subdivisions or fractions thereof, and the  
19 name of the county or counties in which said lands are situated.

20 (2) The signature and post office address of each petitioner,  
21 together with the legal description of the particular lands within  
22 the proposed district owned by said respective petitioners.

23 (3) A general statement of the probable source or sources of  
24 water supply and a brief outline of the plan of improvement, which  
25 may be in the alternative, contemplated by the organization of the  
26 district.

27 (4) A statement of the number of directors, either three or five,  
28 desired for the administration of the district and of the name by  
29 which the petitioners desire the district to be designated.

30 (5) Any other matter deemed material.

31 (6) A prayer requesting the board to take the steps necessary to  
32 organize the district.

33 The petition must be accompanied by a good and sufficient bond,  
34 to be approved by the board of county commissioners, in double the  
35 amount of the probable cost of organizing the district, and  
36 conditioned that the bondspersons will pay all of the cost in case  
37 such organization shall not be effected. Said petition shall be  
38 presented at a regular meeting of the said board, or at any special  
39 meeting ordered to consider and act upon said petition, and shall be

1 published once a week, for at least two weeks (three issues) before  
2 the time at which the same is to be presented, in some newspaper of  
3 general circulation printed and published in the county where said  
4 petition is to be presented, together with a notice signed by the  
5 clerk of the board of county commissioners stating the time of the  
6 meeting at which the same will be presented. There shall also be  
7 published a notice of the hearing on said petition in a newspaper  
8 published at Olympia, Washington, to be designated by the director of  
9 ecology from year to year, which said notice shall be published for  
10 at least two weeks (three issues) prior to the date of said meeting  
11 and shall contain the name of the county or counties and the number  
12 of each township and range in which the lands embraced within the  
13 boundaries of the proposed district are situated, also the time,  
14 place and purpose for said meeting, which said notice shall be signed  
15 by the petitioner whose name first appears upon the said petition. If  
16 any portion of the lands within said proposed district lie within  
17 another county or counties, then the said petition and notice shall  
18 be published for the time above provided in one newspaper printed and  
19 published in each of said counties. The said notice, together with a  
20 map of the district, shall also be served by registered mail at least  
21 thirty days before the said hearing upon the state director of  
22 ecology at Olympia, Washington, who shall, at the expense of the  
23 district in case it is later organized, otherwise at the expense of  
24 the petitioners' bondspersons, make such investigation of the  
25 sufficiency of the source and supply of water for the purposes of the  
26 proposed district, as he or she may deem necessary, and file a report  
27 of his or her findings, together with a statement of his or her  
28 costs, with the board of county commissioners at or prior to the time  
29 set for said hearing. When the petition is presented, the board of  
30 county commissioners shall hear the same, shall receive such evidence  
31 as it may deem material, and may adjourn such hearing from time to  
32 time, not exceeding four weeks in all, and on the final hearing shall  
33 establish and define the boundaries of the district along such lines  
34 as in the judgment of the board will best reclaim the lands involved  
35 and enter an order to that effect: PROVIDED, That said board shall  
36 not modify the boundaries so as to except from the operation of the  
37 district any territory within the boundaries outlined in the  
38 petition, which is susceptible of irrigation by the same system of  
39 works applicable to other lands in such proposed district and for  
40 which a water supply is available; nor shall any lands which, in the

1 judgment of said board, will not be benefited, be included within  
2 such district; any lands included within any district, which have a  
3 partial or full water right shall be given equitable credit therefor  
4 in the apportionment of the assessments in this act provided for: AND  
5 PROVIDED FURTHER, That any owner, whose lands are susceptible of  
6 irrigation from the same source, and in the judgment of the board it  
7 is practicable to irrigate the same by the proposed district system,  
8 shall, upon application to the board at the time of the hearing, be  
9 entitled to have such lands included in the district.

10 At said hearing the board shall also give the district a name and  
11 shall ~~((order))~~ request that ~~((an))~~ a special election be held  
12 ~~((therein))~~, consistent with RCW 29A.04.330, for the purpose of  
13 determining whether or not the district shall be organized under the  
14 provisions of this act and for the purpose of electing directors.

15 The clerk of the board of county commissioners shall then give  
16 notice of the election ordered to be held as aforesaid, which notice  
17 shall describe the district boundaries as established, and shall give  
18 the name by which said proposed district has been designated, and  
19 shall state the purposes and objects of said election, and shall be  
20 published once a week, for at least two weeks (three issues) prior to  
21 said election, in a newspaper of general circulation published in the  
22 county where the petition aforesaid was presented; and if any portion  
23 of said proposed district lies within another county or counties,  
24 then said notice shall be published in like manner in a newspaper  
25 within each of said counties. ~~((Said election notice shall also  
26 require the electors to cast ballots which))~~ Ballots for this  
27 election shall contain the words "Irrigation District—Yes," and  
28 "Irrigation District—No," and also the names of persons to be voted  
29 for as directors of the district: PROVIDED, That where in this act  
30 publication is required to be made in a newspaper of any county, the  
31 same may be made in a newspaper of general circulation in such  
32 county, selected by the person or body charged with making the  
33 publication and such newspaper shall be the official paper for such  
34 purpose.

35 **Sec. 403.** RCW 87.03.030 and 1951 c 201 s 1 are each amended to  
36 read as follows:

37 (1) All elections of irrigation districts, general or special,  
38 for any district purpose and in any county of the state shall be  
39 called, noticed, and conducted in accordance with the laws of the



1 state, (~~specifically relating to irrigation districts~~) Title 29A  
2 RCW. A person is a "qualified voter" or an "elector" as used in this  
3 title if he or she is a natural person who is a registered voter  
4 under general state election laws and who resides within the  
5 district. Each qualified voter or elector is entitled to vote in an  
6 irrigation district election for his or her district.

7 (2) Any qualified voter may become a candidate for a director  
8 position by filing a declaration of candidacy as provided in chapter  
9 29A.24 RCW.

10 **Sec. 404.** RCW 87.03.040 and 1955 c 57 s 3 are each amended to  
11 read as follows:

12 (~~The board of county commissioners shall meet on the second~~  
13 ~~Monday after the election and canvass the returns, and if it appears~~  
14 ~~that~~) After an election pursuant to RCW 87.03.020, if at least two-  
15 thirds of all the votes cast are in favor of the district, the board  
16 shall by an order declare the district duly organized and shall  
17 declare the qualified persons receiving the highest number of votes  
18 to be duly elected directors, and shall cause a certified copy of the  
19 order to be filed for record in the offices of the auditor and  
20 assessor of each county in which any portion of the district is  
21 situated. From the date of the filing the organization of the  
22 district shall be complete and the directors may, upon qualifying,  
23 enter immediately upon the duties of their office, and shall hold  
24 office until their successors are elected and qualified. Upon filing  
25 the order, the county assessor shall write the name of the district  
26 on the permanent tax roll in a column provided for that purpose  
27 opposite each description of land in the district. Such column shall  
28 be carried forward each year on the current tax roll. In the event of  
29 a change in the boundaries of a district, the assessor shall note it  
30 in the column upon the tax roll.

31 **Sec. 405.** RCW 87.03.075 and 2013 c 23 s 485 are each amended to  
32 read as follows:

33 Voting in an irrigation district shall be by ballot. Ballots  
34 shall (~~be of uniform size and quality, provided by the district, and~~  
35 ~~for~~) comply with the requirements of chapter 29A.36 RCW. For the  
36 election of directors (~~shall contain only the names of the~~  
37 ~~candidates who have filed with the secretary of the district a~~  
38 ~~declaration in writing of their candidacy, or a petition of~~

1 nomination as hereinafter provided, not later than five o'clock p.m.  
2 on the first Monday in November. Ballots shall contain space for  
3 sticker voting or for the writing in of the name of an undeclared  
4 candidate. Ballots shall be issued by the election board according to  
5 the number of votes an elector is entitled to cast. A person filing a  
6 declaration of candidacy, or petition of nomination as hereinafter  
7 provided, shall designate therein the position for which he or she is  
8 a candidate. No ballots on any form other than the official form  
9 shall be received or counted.

10 In any election for directors where the number of votes which may  
11 be received will have no bearing on the length of the term to be  
12 served, the candidates for the position of director, in lieu of  
13 filing a declaration of candidacy hereunder, shall file with the  
14 secretary of the district a petition of nomination signed by at least  
15 ten qualified electors of the district, or of the division if the  
16 district has been divided into director divisions, not later than  
17 five o'clock p.m. on the first Monday in November. If, after the  
18 expiration of the date for filing petitions of nomination, it appears  
19 that only one qualified candidate has been nominated thereby for each  
20 position to be filled it shall not be necessary to hold an election,  
21 and the board of directors shall at their next meeting declare such  
22 candidate elected as director. The secretary shall immediately make  
23 and deliver to such person a certificate of election signed by him or  
24 her and bearing the seal of the district. The procedure set forth in  
25 this paragraph shall not apply to any other irrigation district  
26 elections), candidates must comply with the procedures in chapter  
27 29A.24 RCW to be listed on the ballot.

28 **Sec. 406.** RCW 87.03.080 and 2013 c 23 s 486 are each amended to  
29 read as follows:

30 An election of directors in an irrigation district shall be held  
31 on the ((second Tuesday of December of each year)) date provided in  
32 RCW 29A.04.321, and the term of each director shall be three years  
33 from the ((first Tuesday of January)) beginning of his or her term  
34 following ((his or her)) the election. ((The)) No primary shall be  
35 held for the initial organization election, and the directors elected  
36 at the organization election shall serve until their successors are  
37 elected and qualified. At the first ((annual)) election occurring  
38 thirty days or more after the date of the order establishing the  
39 district, there shall be elected directors to succeed those chosen at

1 the organization election. If the board consists of three directors  
2 the candidate receiving the highest number of votes shall serve a  
3 term of three years; the next highest, two years; and the next  
4 highest, one year. In case of five directors, the two candidates  
5 receiving the highest number of votes shall each serve a term of  
6 three years; the next two highest, two years; and the next highest,  
7 one year; or until successors are elected and qualified. In case of  
8 seven directors, the three candidates receiving the highest number of  
9 votes shall each serve a term of three years, the next two highest,  
10 two years, and the next two highest, one year, or until their  
11 successors are elected and qualified. Whenever a district with three  
12 directors desires to increase the number of its directors to five  
13 directors or whenever a district with five directors desires to  
14 increase the number of its directors to seven directors, the board of  
15 directors, acting on its own initiative or on the written petition of  
16 at least twenty electors of the district, shall (~~submit the~~  
17 ~~question~~) request that the question be submitted to the electors of  
18 the district at a regular or special district election called  
19 consistent with RCW 29A.04.330. In the event the electors by a  
20 majority of the votes cast favor an increase in the number of  
21 directors, there shall be elected at the next annual district  
22 election two additional directors. The person receiving the highest  
23 number of votes shall serve for a three year term and the next  
24 highest, a two year term.

25 The number of directors may be decreased to five or three, as the  
26 case may be, substantially in the same manner as that provided for  
27 the increase of directors. In case of three directors the term of one  
28 director only shall expire annually.

29 After the first election of directors, a primary must be held for  
30 subsequent elections of directors, consistent with Title 29A RCW.

31 **Sec. 407.** RCW 87.03.081 and 2013 c 23 s 487 are each amended to  
32 read as follows:

33 A vacancy in the office of director shall be filled by  
34 appointment by the board of county commissioners of the county in  
35 which the proceedings for the organization of the district were had.  
36 At the next (~~annual~~) election occurring thirty days or more after  
37 the date of the appointment, a successor shall be elected who shall  
38 take office on the (~~first Tuesday in January following~~) date

1 specified in RCW 29A.60.280 and shall serve for the remainder of the  
2 unexpired term.

3 A director appointed to fill a vacancy occurring after the  
4 expiration of the term of a director shall serve until his or her  
5 successor is elected and qualified. At the next election of directors  
6 occurring thirty days or more after the appointment, a successor  
7 shall be elected who shall take office on the (~~first Tuesday in~~  
8 ~~January next~~) date specified in RCW 29A.60.280 and shall serve for  
9 the term for which he or she was elected.

10 Failure on the part of any irrigation district to hold one or  
11 more (~~annual~~) elections for selection of officers, or otherwise to  
12 provide district officers shall not dissolve the district or impair  
13 its powers, where later officers for the district are appointed or  
14 elected and qualify as such and exercise the powers and duties of  
15 their offices in the manner provided by law.

16 **Sec. 408.** RCW 87.03.190 and 1923 c 138 s 7, part are each  
17 amended to read as follows:

18 Upon receipt of said findings the district board shall thereupon  
19 finally determine the plan of development and estimate and determine  
20 the amount of money to be raised and shall immediately thereafter  
21 (~~call~~) request a special election as provided by (~~law~~) RCW  
22 29A.04.330.

23 **Sec. 409.** RCW 87.03.215 and 1983 c 167 s 215 are each amended to  
24 read as follows:

25 Said bonds and interest thereon and all payments due or to become  
26 due to the United States or the state of Washington under any  
27 contract between the district and the United States or the state of  
28 Washington accompanying which bonds of the district have not been  
29 deposited with the United States or the state of Washington, as in  
30 RCW 87.03.140 provided, shall be paid by revenue derived from an  
31 annual assessment upon the real property of the district, and all the  
32 real property in the district shall be and remain liable to be  
33 assessed for such payments until fully paid as hereinafter provided.  
34 And in addition to this provision and the other provisions herein  
35 made for the payment of said bonds and interest thereon as the same  
36 may become due, said bonds, or the contract with the United States or  
37 the state of Washington accompanying which bonds have not been  
38 deposited with the United States or the state of Washington, shall

1 become a lien upon all the water rights and other property acquired  
2 by any irrigation district formed under the provisions of this  
3 chapter, and upon any canal or canals, ditch or ditches, flumes,  
4 feeders, storage reservoirs, machinery and other works and  
5 improvements acquired, owned or constructed by said irrigation  
6 district, and if default shall be made in the payment of the  
7 principal of said bonds or interest thereon, or any payment required  
8 by the contract with the United States, or the state of Washington,  
9 according to the terms thereof, the owner of said bonds, or any part  
10 thereof or the United States or the state of Washington as the case  
11 may be, shall have the right to enter upon and take possession of all  
12 the water rights, canals, ditches, flumes, feeders, storage  
13 reservoirs, machinery, property and improvements of said irrigation  
14 district, and to hold and control the same, and enjoy the rents,  
15 issues and profits thereof, until the lien hereby created can be  
16 enforced in a civil action in the same manner and under the same  
17 proceedings as given in the foreclosure of a mortgage on real estate.  
18 This section shall apply to all bonds heretofore issued or any  
19 contract heretofore made with the United States, or which may  
20 hereafter be issued or made by any district: PROVIDED, That when any  
21 such contract made after December 1, 1981, between any district and  
22 the United States or the state of Washington covers only the real  
23 property in a portion or portions of the district, all payments due  
24 or to become due to the United States or the state of Washington  
25 shall be paid by revenue derived from an annual assessment upon the  
26 real property only in that portion or portions of the district  
27 covered by the contract and the real property shall be and remain  
28 liable to be assessed for such payments until fully paid and any  
29 assessment lien which attaches thereto shall be the exclusive lien  
30 notwithstanding other liens provided for in this section. In the  
31 event of a contract between the district and the United States or the  
32 state of Washington accompanying which bonds of the district have not  
33 been deposited with the United States or the state of Washington as  
34 provided in RCW 87.03.140 and the contract covers real property in  
35 only a portion or portions of the district, the question of whether  
36 the district should enter the contract shall be submitted only to  
37 those qualified electors who (~~hold title or evidence of title to~~  
38 ~~real property within~~) reside in that portion or portions of the  
39 district and in the same manner as provided in RCW 87.03.200.

1       **Sec. 410.** RCW 87.03.470 and 1983 c 167 s 220 are each amended to  
2 read as follows:

3       (1) The board of directors may, at any time when in their  
4 judgment it may be advisable, (~~call~~) request a special election  
5 (~~and~~), consistent with RCW 29A.04.330, to submit to the qualified  
6 (~~electors~~) voters of the district the question whether or not a  
7 special assessment shall be levied for the purpose of raising money  
8 to be applied to any of the purposes provided in this chapter  
9 including any purpose for which the bonds of the district or the  
10 proceeds thereof might be lawfully used. Such election must be called  
11 upon the notice prescribed, and the same shall be held and the result  
12 thereof determined and declared in all respects in conformity with  
13 the provisions of Title 29A RCW and RCW 87.03.200. The notice must  
14 specify the amount of money proposed to be raised and the purpose for  
15 which it is intended to be used and the number of installments in  
16 which it is to be paid. At such election the ballot shall contain the  
17 words "Assessment Yes" and "Assessment No." If the majority of the  
18 votes cast are "Assessment Yes" the board may immediately or at  
19 intervals thereafter incur indebtedness to the amount of said special  
20 assessment for any of the purposes for which the proceeds of said  
21 assessment may be used, and may provide for the payment of said  
22 indebtedness by the issue and sale of notes of the district to an  
23 amount equal to said authorized indebtedness, which notes shall be  
24 payable in such equal installments not exceeding three in number as  
25 the board shall direct. Said notes shall be payable by assessments  
26 levied at the time of the regular annual levy each year thereafter  
27 until fully paid. The amount of the assessments to be levied shall be  
28 ascertained by adding fifteen percent for anticipated delinquencies  
29 to the whole amount of the indebtedness incurred and interest. Each  
30 assessment so levied shall be computed and entered on the assessment  
31 roll by the secretary of the board, and collected at the same time  
32 and in the same manner as other assessments provided for herein, and  
33 when collected shall be paid to the county treasurer of the county to  
34 the credit of said district, for the purposes specified in the notice  
35 of such special election: PROVIDED, HOWEVER, That the board of  
36 directors may at their discretion issue said notes in payment for  
37 labor or material, or both, used in connection with the purposes for  
38 which such indebtedness was authorized. Notes issued under this  
39 section shall bear interest at a rate determined by the board,

1 payable semiannually. Such notes may be in any form, including bearer  
2 notes or registered notes as provided in RCW 39.46.030.

3 (2) Notwithstanding subsection (1) of this section, such notes  
4 may be issued and sold in accordance with chapter 39.46 RCW.

5 **Sec. 411.** RCW 87.03.480 and 2013 c 177 s 3 are each amended to  
6 read as follows:

7 Any desired special construction, reconstruction, betterment or  
8 improvement or purchase or acquisition of improvements already  
9 constructed, for any authorized district service, including but not  
10 limited to the safeguarding of open canals or ditches for the  
11 protection of the public therefrom, which are for the special benefit  
12 of the lands tributary thereto and within an irrigation district may  
13 be constructed or acquired and provision made to meet the cost  
14 thereof as follows:

15 (~~The holders of title or evidence of title to one-quarter~~) One-  
16 quarter of the qualified voters who reside in the acreage proposed to  
17 be assessed, may file with the district board their petition reciting  
18 the nature and general plan of the desired improvement and specifying  
19 the lands proposed to be specially assessed therefor. A local  
20 improvement district may include adjoining, vicinal, or neighboring  
21 improvements even though the improvements and the properties  
22 benefited are not connected or continuous. Such improvements may be  
23 owned by the United States, the state of Washington, the irrigation  
24 district, or another local government. Upon approval of the board of  
25 an adjoining irrigation district, an irrigation district may form  
26 local improvement districts or utility local improvement districts  
27 that are composed entirely or in part of territory within that  
28 adjoining district. Upon the filing of the petition the board, with  
29 the assistance of a competent engineer, shall make an investigation  
30 of the feasibility, cost, and need of the proposed local improvement  
31 together with the ability of the lands to pay the cost, and if it  
32 appears feasible, they may elect to have plans and an estimate of the  
33 cost prepared. If a protest against the establishment of the proposed  
34 improvement signed by a majority of the (~~holders of title~~)  
35 qualified voters in the proposed local district is presented at or  
36 before the hearing, or if the proposed improvement should be found  
37 not feasible, too expensive, or not in the best interest of the  
38 district, or the lands to be benefited insufficient security for the  
39 costs, they shall dismiss the petition.

1       **Sec. 412.** RCW 87.03.485 and 2013 c 177 s 4 are each amended to  
2 read as follows:

3       In the event that the board approves the petition, the board  
4 shall fix a time and place for the hearing thereof and shall publish  
5 a notice once a week for two consecutive weeks preceding the date of  
6 such hearing and the last publication shall not be more than seven  
7 days before such date and shall mail such a notice on or before the  
8 second publication date by first-class mail, postage prepaid, to each  
9 (~~owner or reputed owner of real property~~) qualified voter within  
10 the proposed local improvement district, as shown on the rolls of the  
11 county treasurer as of a date not more than twenty days immediately  
12 prior to the date such notice was mailed. Such notice must be  
13 published in a newspaper of general circulation in each county in  
14 which any portion of the land proposed to be included in such local  
15 improvement district lies. Such notice shall state that the lands  
16 within the described boundaries are proposed to be organized as a  
17 local improvement district, stating generally the nature of the  
18 proposed improvement; that bonds for such local improvement district  
19 are proposed to be issued as the bonds of the irrigation district, or  
20 that a contract is proposed to be entered into between the district  
21 and the United States or the state of Washington, or both, that the  
22 lands within the local improvement district are to be assessed for  
23 such improvement, that such bonds or contract will be the obligation  
24 of such local improvement district and stating a time and place of  
25 hearing thereon. At the time and place of hearing named in the  
26 notice, all persons interested may appear before the board and show  
27 cause for or against the formation of the proposed improvement  
28 district and the issuance of bonds or the entering into of a contract  
29 as aforesaid. The board may designate a hearing officer to conduct  
30 the hearing, and the hearing officer shall report recommendations on  
31 the establishment of the local improvement district to the board for  
32 final action. Upon the hearing the board shall determine as to the  
33 establishment of the proposed local improvement district. Any  
34 (~~landowner whose lands~~) resident who can be served or will be  
35 benefited by the proposed improvement, may make application to the  
36 board at the time of hearing to include such land and the board of  
37 directors in such cases shall, at its discretion, include such lands  
38 within such district. The board of directors may exclude any land  
39 specified in the notice from the district provided, that in the  
40 judgment of the board, the inclusion thereof will not be practicable.



1 As an alternative plan and subject to all of the provisions of  
2 this chapter, the board of directors may initiate the organization of  
3 a local improvement district as herein provided. To so organize a  
4 local improvement district the board shall adopt and record in its  
5 minutes a resolution specifying the lands proposed to be included in  
6 such local improvement district or by describing the exterior  
7 boundaries of such proposed district or by both. The resolution shall  
8 state generally the plan, character and extent of the proposed  
9 improvements, that the land proposed to be included in such  
10 improvement district will be assessed for such improvements; and that  
11 local improvement district bonds of the irrigation district will be  
12 issued or a contract entered into as hereinabove in this section  
13 provided to meet the cost thereof and that such bonds or contract  
14 will be the obligation of such local improvement district. The  
15 resolution shall fix a time and place of hearing thereon and shall  
16 state that unless a majority of the (~~holders of title or of evidence~~  
17 ~~of title to lands~~) qualified voters who reside within the proposed  
18 local improvement district file their written protest at or before  
19 the hearing, consent to the improvement will be implied.

20 A notice containing a copy of the resolution must be published  
21 once a week for two consecutive weeks preceding the date of such  
22 hearing and the last publication shall not be more than seven days  
23 before such date, and shall be mailed on or before the second  
24 publication date by first-class mail, postage prepaid, to each  
25 (~~owner or reputed owner of real property~~) qualified voter within  
26 the proposed local improvement district, as shown on the rolls of the  
27 county treasurer as of a date not more than twenty days immediately  
28 prior to the date such notice was mailed, and the hearing thereon  
29 shall not be held in less than twenty days from the adoption of such  
30 resolution. Such notice must be published in one newspaper, of  
31 general circulation, in each county in which any portion of the land  
32 proposed to be included in such local improvement district lies. The  
33 hearing shall be held and all subsequent proceedings conducted in  
34 accordance with the provisions of this (~~act~~) chapter relating to  
35 the organization of local improvement districts initiated upon  
36 petition.

37 **Sec. 413.** RCW 87.03.535 and 1919 c 180 s 19 are each amended to  
38 read as follows:

1 For the purpose of organizing a consolidated irrigation district  
2 a petition signed by fifty or a majority of (~~the holders of title~~  
3 ~~to, or evidence of title to~~) qualified voters who reside on land  
4 susceptible of irrigation within the proposed district shall be  
5 presented to the board of county commissioners of the county in which  
6 the lands or the greater portion thereof are situated, which petition  
7 shall set forth and particularly describe the proposed boundaries of  
8 such district, and the name of each existing irrigation district  
9 proposed to be included therein, and shall pray that the territory  
10 embraced within the boundaries of such proposed district may be  
11 organized as a consolidated irrigation district. Such petition shall  
12 be accompanied by bond as provided in RCW 87.03.020 and thereupon the  
13 same proceedings shall be had for the organization of such  
14 consolidated district as is provided in RCW 87.03.020 (~~and 87.03.035~~  
15 ~~through 87.03.045~~), and the organization of such consolidated  
16 district shall be perfected in the same manner as provided in this  
17 chapter for the organization of new districts, except as otherwise  
18 provided in this section. The board of directors of each irrigation  
19 district proposed to be included in such consolidated district shall  
20 be served with a copy of the petition for the organization of such  
21 consolidated district together with notice at the time and place of  
22 hearing of such petition, at least twenty days prior to such hearing,  
23 and the board of county commissioners upon the hearing of such  
24 petition shall not grant the same or (~~call an~~) request a special  
25 election if it shall appear that the board of directors of any  
26 existing irrigation district proposed to be included in such  
27 consolidated district have by resolution, regularly passed and  
28 entered upon the minutes of the directors meetings of such district,  
29 voted against the inclusion of such district into such proposed  
30 consolidated district. The board of county commissioners upon the  
31 hearing of such petition, shall not modify the boundaries of the  
32 proposed district to exclude any of the lands which are contained in  
33 any of the existing districts proposed to be included in such  
34 consolidated districts, and the (~~order calling~~) resolution  
35 requesting an election under RCW 29A.04.330 shall provide an election  
36 by the (~~electors~~) qualified voters of each existing district  
37 proposed to be included in such consolidated district, and for an  
38 election by the (~~electors~~) qualified voters of that part of the  
39 proposed district not included in any existing district, but no  
40 elector may cast more than one vote at such election. Such proposed

1 district shall not be declared organized unless two-thirds of all  
2 votes cast in each existing district shall be Irrigation District—  
3 Yes, and unless two-thirds of all the votes cast in that part of the  
4 proposed district not included in any existing district shall be  
5 Irrigation District—Yes. If the organization of such consolidated  
6 district is not effected the organization of the district proposed to  
7 be included in such consolidated district shall not be affected.

8 **Sec. 414.** RCW 87.03.560 and 2001 c 149 s 3 are each amended to  
9 read as follows:

10 ~~((The holder or holders of title, or evidence of title,~~  
11 ~~representing one-half or more of)) A majority of the qualified voters  
12 residing within any body of lands may file with the board of  
13 directors of an irrigation district a petition in writing, praying  
14 that the boundaries of the district may be so changed as to include  
15 such lands. The petition shall describe the boundaries of the parcel  
16 or tract of land, and shall also describe the boundaries of the  
17 several parcels ~~((owned))~~ inhabited by the petitioners, if the  
18 petitioners be the ~~((owners))~~ residents respectively of distinct  
19 parcels, but such descriptions need not be more particular than they  
20 are required to be when such lands are entered by the county assessor  
21 in the assessment book. Such petition must contain the assent of the  
22 petitioners to the inclusion within the district of the parcels or  
23 tracts of land described in the petition, and of which the petition  
24 alleges they are respectively the ~~((owners))~~ residents; and it must  
25 be acknowledged in the same manner that conveyances of land are  
26 required to be acknowledged.~~

27 **Sec. 415.** RCW 87.03.590 and 1889-90 p 697 s 54 are each amended  
28 to read as follows:

29 Upon the adoption of the resolution mentioned in RCW 87.03.585,  
30 the board shall ~~((order))~~ request that ~~((an))~~ a special election be  
31 held, consistent with RCW 29A.04.330, within said district, to  
32 determine whether the boundaries of the district shall be changed as  
33 mentioned in said resolution; ~~((and shall fix the time at which such~~  
34 ~~election shall be held,))~~ and shall cause notice thereof to be given  
35 and published. ~~((Such notice shall be given and published, and such~~  
36 ~~election shall be held and conducted, the returns thereof shall be~~  
37 ~~made and canvassed, and the result of the election ascertained and~~  
38 ~~declared, and all things pertaining thereto conducted, in the manner~~

1 ~~prescribed by this act in case of a special election to determine~~  
2 ~~whether bonds of an irrigation district shall be issued.)~~ The  
3 ballots cast at said election shall contain the words "For change of  
4 boundary," or "Against change of boundary," or words equivalent  
5 thereto. The notice of election shall describe the proposed change of  
6 the boundaries in such manner and terms that it can readily be  
7 traced.

8       **Sec. 416.** RCW 87.03.615 and 1939 c 150 s 1 are each amended to  
9 read as follows:

10       Whenever five or a majority of the (~~holders of title to or~~  
11 ~~evidence of title to any~~) qualified voters who reside on land  
12 susceptible of irrigation from the water supply and system of works  
13 of any irrigation district in this state, comprising within its  
14 boundaries two hundred thousand or more acres of land now existing or  
15 hereafter organized, desire to have such land included in said  
16 irrigation district, they may file a petition, in writing, with the  
17 board of directors thereof praying that such land be included in such  
18 district.

19       **Sec. 417.** RCW 87.03.630 and 2014 c 2 s 3 are each amended to  
20 read as follows:

21       The board of directors of the district shall meet at the time and  
22 place specified in the notice and shall have full authority to  
23 determine all matters pertaining to the petition, including the  
24 denial as well as the granting of said petition or any part thereof;  
25 and if it appears at said hearing, or at any adjournment thereof  
26 which may be had not to exceed in all one hundred eighty days, that  
27 the land or any portion thereof petitioned to be included within the  
28 district, is susceptible of irrigation from the water supply and  
29 system of works of the said district and will be benefited by such  
30 irrigation; and if at said hearing or at any adjournment thereof as  
31 aforesaid, not more than fifty percent of the (~~holders of title or~~  
32 ~~evidence of title to~~) qualified voters who reside on the lands  
33 described in the petition and proposed to be included file their  
34 objections in writing to the inclusion of such land within the time  
35 and as provided in RCW 87.03.615 through 87.03.640, the said board  
36 shall make and enter in the records of their proceedings an order  
37 including said land, or such portion thereof as in their judgment is

1 susceptible of irrigation and will be benefited as aforesaid, within  
2 the operation of said district.

3 **Sec. 418.** RCW 87.03.635 and 1939 c 150 s 5 are each amended to  
4 read as follows:

5 If at said hearing or at any adjournment thereof, the board of  
6 directors shall determine that said land is not susceptible of  
7 irrigation and will not be benefited as aforesaid by inclusion in the  
8 district, or if more than fifty percent of the (~~holders of title to~~  
9 ~~or evidence of title to~~) qualified voters who reside on the land  
10 described in the petition file their objections in writing within the  
11 time and as aforesaid, then the board of directors shall deny said  
12 petition and shall make and enter in the records of their proceedings  
13 an order to that effect.

14 **Sec. 419.** RCW 87.03.650 and 1921 c 129 s 36 are each amended to  
15 read as follows:

16 (~~The owner or owners in fee of one or more tracts of land which~~  
17 ~~constitute a portion of an irrigation district, or fifty~~) Fifty or a  
18 majority of the (~~holders of title to lands constituting any~~)  
19 qualified voters who reside within a portion of an irrigation  
20 district, or consolidated district as the case may be, for which  
21 lands similar grounds for exclusion may exist, or fifty or a majority  
22 of the (~~holders of title to lands which constituted~~) qualified  
23 voters who reside within a former irrigation district included with a  
24 consolidated district, may file with the board of directors of such  
25 district, or of such consolidated district, as the case may be, a  
26 petition praying that such tracts, and any other tracts contiguous  
27 thereto, or such land which constituted such former district, may be  
28 excluded and taken from said district, or consolidated district, as  
29 the case may be, and in the latter case that such former district may  
30 be reestablished. The petition for the exclusion of tracts of land  
31 from a district shall describe the boundaries of the land which the  
32 petitioners desire to have excluded from the district, and also  
33 describe the land of such of said petitioners which are included  
34 within such boundaries; but the description of such lands need not be  
35 more particular or certain than is required when the lands are  
36 entered in the assessment book by the county assessor. The petition  
37 for the exclusion of a former district from a consolidated district  
38 shall give the corporate name and number of such former district and

1 shall describe the lands of each of said petitioners by legal  
2 subdivision or lot and block numbers and name of city, town or  
3 addition of platted lands. Every such petition must be acknowledged  
4 in the same manner and form as is required in case of a conveyance of  
5 land, and the acknowledgment shall have the same force and effect as  
6 evidence as the acknowledgment of such conveyance.

7 **Sec. 420.** RCW 87.03.675 and 1921 c 129 s 41 are each amended to  
8 read as follows:

9 If the assent aforesaid of the holders of said bonds be filed and  
10 entered of record as aforesaid, and if there be objections presented  
11 by any person showing cause as aforesaid, which have not been  
12 withdrawn, then the board may (~~order an~~) request a special election  
13 to be held, consistent with RCW 29A.04.330, in each district to  
14 determine whether an order shall be made excluding said land from  
15 said district, or excluding said former district from said  
16 consolidated district, as the case may be, and such former district  
17 be reestablished, as mentioned in said resolution. The notice of such  
18 election shall describe the boundary of all lands, or shall give the  
19 corporate name and number of the former district, which it is  
20 proposed to exclude, and such notice shall be published for at least  
21 two weeks prior to such election, in a newspaper published within the  
22 county where the office of the board of directors is situated; and if  
23 any portion of such territory to be excluded lie within another  
24 county or counties, then said notice shall be so published in a  
25 newspaper published within each of such counties. (~~Such notice shall~~  
26 ~~require the electors to cast ballots, which~~) The ballots shall  
27 contain the words "For exclusion" and "Against exclusion", or words  
28 equivalent thereto. (~~Such election shall be conducted in the manner~~  
29 ~~prescribed in this chapter for the holding of special elections on~~  
30 ~~the issuance of bonds.~~) In every case where the petition is for the  
31 exclusion of a former district from a consolidated district the  
32 resolution of the board (~~ordering~~) requesting an election shall  
33 provide for the holding of such election separately in the territory  
34 comprising such former district and in the territory comprising that  
35 portion of the consolidated district not included in such former  
36 district, and (~~for~~) canvassing and counting of the votes cast at  
37 such election must be done separately.

1       **Sec. 421.** RCW 87.03.740 and 1957 c 94 s 14 are each amended to  
2 read as follows:

3       Upon the adoption of the resolution, the board shall ~~((order an))~~  
4 request a special election, consistent with RCW 29A.04.330, to be  
5 held within the irrigation district on the question of the proposed  
6 merger ~~((and shall fix the time thereof and cause notice to be~~  
7 ~~published))~~. The notice shall be given and the election conducted in  
8 the manner as for special elections on a bond issue of the district.  
9 The ballots shall contain the words "Merger, Yes" and "Merger, No" or  
10 words equivalent thereto.

11       **Sec. 422.** RCW 87.03.845 and 2001 c 149 s 1 are each amended to  
12 read as follows:

13       This section and RCW 87.03.847 through 87.03.855 provide the  
14 procedures by which a minor irrigation district may be merged into a  
15 major irrigation district as authorized by RCW 87.03.530(2).

16       To institute proceedings for such a merger, the board of  
17 directors of the minor district shall adopt a resolution requesting  
18 the board of directors of the major district to consider the merger,  
19 or proceedings for such a merger may be instituted by a petition  
20 requesting the board of directors of the major district to consider  
21 the merger, signed by ten ~~((owners of land))~~ qualified voters within  
22 the minor district or five percent of the total number of  
23 ~~((landowners))~~ qualified voters within the minor district, whichever  
24 is greater. However, if there are fewer than twenty ~~((owners of~~  
25 ~~land))~~ qualified voters within the minor irrigation district, the  
26 petition shall be signed by a majority of the ~~((landowners))~~  
27 qualified voters and filed with the board of directors of the major  
28 irrigation district.

29       ~~((For the purpose of determining the number of landowners~~  
30 ~~required to initiate merger proceedings under this section, a husband~~  
31 ~~and wife owning property as community property shall be considered a~~  
32 ~~single landowner; two or more persons or entities holding title to~~  
33 ~~property as tenants in common, joint tenants, tenants in partnership,~~  
34 ~~or other form of joint ownership shall be considered a single~~  
35 ~~landowner; and the petition requesting the merger shall be considered~~  
36 ~~by the board of directors of the major irrigation district may be [if~~  
37 ~~the petition is] signed by either the husband or wife and by any one~~  
38 ~~of the co-owners of jointly owned property.))~~

1 The board of directors of the major irrigation district shall  
2 consider the request at the next regularly scheduled meeting of the  
3 board of directors of the major district following its receipt of the  
4 minor district's request or at a special meeting called for the  
5 purpose of considering the request. If the board of the major  
6 district denies the request of the minor district, no further action  
7 on the request shall be taken.

8 If the board of the major district does not deny the request, it  
9 shall conduct a public hearing on the request and shall give notice  
10 regarding the hearing. The notice shall describe the proposed merger  
11 and shall be published once a week for two consecutive weeks  
12 preceding the date of the hearing and the last publication shall be  
13 not more than seven days before the date of the hearing. (~~The notice~~  
14 ~~shall contain a statement that unless the holders of title or~~  
15 ~~evidence of title to at least twenty percent of the assessed lands~~  
16 ~~within the major district file a protest opposing the merger with the~~  
17 ~~board of the major district at or before the hearing, the board is~~  
18 ~~free to approve the request for the merger without an election being~~  
19 ~~conducted in the major district on the request.)) If the board of the  
20 major district is considering requests from more than one minor  
21 district, the hearing shall be conducted on all such requests.~~

22 **Sec. 423.** RCW 87.03.847 and 1993 c 235 s 3 are each amended to  
23 read as follows:

24 (1) If, following the public hearing conducted under RCW  
25 87.03.845, the board of directors of the major irrigation district  
26 denies the request for a merger, no further action shall be taken on  
27 the request. If, following the public hearing, the board adopts a  
28 resolution approving the merger, the merger is approved by the major  
29 irrigation district and no election shall be held in the major  
30 district to approve the merger. However, if (~~the holders of title or~~  
31 ~~evidence of title to~~) at least twenty percent of the (~~assessed~~  
32 ~~lands~~) qualified voters within the major district file a protest  
33 opposing the merger with the board of the major district at or before  
34 the public hearing, the board shall (~~call~~) request a special  
35 election (~~and~~), consistent with RCW 29A.04.330, to submit to the  
36 voters of the major district the question of whether the merger  
37 should or should not be approved. Votes shall be cast as "Merger -  
38 Yes" or "Merger - No." If such a special election must be conducted  
39 and a majority of all votes cast in the district approve the merger,



1 the merger is approved by the major district. Such an approval is  
2 effective on the date the returns of the election are canvassed  
3 (~~under RCW 87.03.105~~).

4 (2) The board of directors of the minor irrigation district  
5 shall, within thirty days of the date the merger is approved by the  
6 major district or of the date the (~~board of the major district~~)  
7 county auditor issues (~~its~~) a call for a special election on the  
8 merger, (~~call~~) request a special election within the minor district  
9 (~~and~~) consistent with RCW 29A.04.330, to submit to the voters of  
10 the minor district the question of whether the merger should or  
11 should not be approved. If special elections must be conducted in  
12 both districts, both elections shall be conducted on the same date  
13 (~~set by the board of the major district~~). If only the minor  
14 district must conduct such a special election, the election shall be  
15 held (~~not later than sixty days~~) on the first date for special  
16 elections under RCW 29A.04.330 after the date the merger has been  
17 approved by the board of the major district. Votes on the question  
18 shall be cast as "Merger - Yes" or "Merger - No." If a majority of  
19 all votes cast in the district are cast for "Merger - Yes," the  
20 merger is approved by the minor irrigation district. Such an approval  
21 is effective on the date the returns of the election are canvassed  
22 (~~under RCW 87.03.105~~).

23 (3) Notice of election in each district on the merger question  
24 shall conform to the requirements of notices for elections in the  
25 major district. Elections and voting in each district shall be  
26 consistent with RCW (~~87.03.045, 87.03.051, and 87.03.071~~)  
27 87.03.030. If the majority of all votes cast in a special election in  
28 either the major or a minor district are cast for "Merger - No," the  
29 merger is not approved.

30 (4) If the merger is approved by the major irrigation district  
31 and by the minor irrigation district as provided by this section, the  
32 minor irrigation district is merged into the major irrigation  
33 district. If two or more minor districts are merging with a major  
34 district in one process as authorized by RCW 87.03.855 and if the  
35 merger is approved by the major irrigation district and by at least  
36 one of the minor irrigation districts as provided by this section,  
37 each minor irrigation district so approving is merged into the major  
38 irrigation district. The effective date of the merger is the date by  
39 which approval of the merger has been secured in both districts or,  
40 under RCW 87.03.855, in the major and minor district or districts.

1 The board or boards of county commissioners of the county or counties  
2 containing territory of the merged districts and the director of the  
3 department of ecology shall be notified that the districts have  
4 merged.

5 **Sec. 424.** RCW 87.04.010 and 2013 c 23 s 511 are each amended to  
6 read as follows:

7 An irrigation district comprising two hundred thousand or more  
8 acres, or irrigation districts comprising less than two hundred  
9 thousand acres which have followed the optional procedure specified  
10 in this amendatory act, shall be divided into divisions of as nearly  
11 equal area as practical, consistent with being fair and equitable to  
12 the electors of the district. The number of divisions shall be the  
13 same as the number of directors, which shall be numbered first,  
14 second, third, etc. One director, who shall be an elector of the  
15 division, shall be elected for each division of the district by the  
16 electors of his or her division. A district elector shall be  
17 considered an elector of the division in which (~~he or she holds~~  
18 ~~title to or evidence of title to land. An elector holding title to or~~  
19 ~~evidence of title to land in more than one division shall be~~  
20 ~~considered an elector of the division nearest his or her place of~~  
21 ~~residence~~) the elector resides.

22 **Sec. 425.** RCW 87.04.070 and 1961 c 192 s 7 are each amended to  
23 read as follows:

24 At the hearing or adjournments thereof, which shall not be for  
25 more than sixty days in all, the board of county commissioners shall  
26 consider the petition and shall hear electors of the district for or  
27 against the division or redivision of director divisions and  
28 recommendations for the manner in which division should be made. If  
29 the board deems it against the best interests of the district to  
30 divide the district into director divisions or to redivide existing  
31 divisions, it shall order the petition rejected, but if it deems it  
32 for the best interests of the district that the petition be granted,  
33 and if no elector of the district files cause in writing at said  
34 hearing why the petition should not be granted, or if having filed  
35 said cause in writing withdraws the same, the board shall enter an  
36 order dividing or redividing the district into the same number of  
37 director divisions as there are directors of the district, and  
38 designating the divisions and describing the boundaries thereof. The

1 division to be made shall be such as the commissioners consider fair  
2 and equitable to the electors of the district. A copy of the  
3 commissioners' order shall be filed for record, without charge, with  
4 the auditor of each county in which any part of the district is  
5 situated, and thereafter the directors shall be elected or appointed  
6 as provided in this chapter. If any elector shall appear in person at  
7 said hearing and shall file cause in writing as aforesaid why the  
8 petition should not be granted and shall not withdraw the same, and  
9 if the board nevertheless deems it for the best interests of the  
10 district that the petition be granted, the board shall adopt a  
11 resolution to that effect and shall (~~order an~~) request a special  
12 election, consistent with RCW 29A.04.330, to be held within the  
13 district on whether the district should be divided into director  
14 divisions or its existing director divisions be redivided(~~, and~~  
15 ~~shall fix the time thereof and cause notice to be published~~). The  
16 notice shall be given and the election conducted in the manner as for  
17 special elections on a bond issue of the district. The notice shall  
18 state the general plan of division or redivision but need not  
19 describe with particularity the boundaries of the proposed division  
20 or redivision. Such boundaries shall be described on the ballot. If  
21 the majority of votes cast at the election are in favor of dividing  
22 or redividing the district into director divisions, the board of  
23 county commissioners shall enter an order dividing or redividing the  
24 district into the same number of director divisions as there are  
25 directors of the district, and designating the divisions and  
26 designating the boundaries thereof. If a majority of the votes cast  
27 are against division or redivision into director districts, the board  
28 shall order the petition denied.

29 **Sec. 426.** RCW 87.19.010 and 1983 c 167 s 227 are each amended to  
30 read as follows:

31 Whenever the board of directors of any irrigation district shall  
32 deem it for the best interest of said district that any or all  
33 outstanding bonds of said district be refunded, they shall so declare  
34 by resolution duly adopted and recorded in the minutes of said board  
35 and shall, with the written approval of the state director of the  
36 department of ecology, (~~submit~~) request that the question be  
37 submitted to the legally qualified electors of said district at a  
38 general election or at a special election called for that purpose  
39 under RCW 29A.04.330, and if a majority of said electors voting at

1 said election vote in favor thereof the directors of said district  
2 shall issue and exchange said bonds for those outstanding, or sell  
3 said bonds and retire said outstanding bonds. The bonds may be issued  
4 and sold in accordance with chapter 39.46 RCW.

5 **Sec. 427.** RCW 87.19.020 and 1991 c 363 s 160 are each amended to  
6 read as follows:

7 The notice of election provided for in this chapter shall be  
8 given and the election held in all respects in accordance with RCW  
9 (~~87.03.200, except in each county with a population of one hundred~~  
10 ~~twenty-five thousand or more, where the notice and election shall be~~  
11 ~~held in the manner provided by law for such counties)) 87.03.030 and  
12 Title 29A RCW.~~

13 **Sec. 428.** RCW 87.22.120 and 1929 c 120 s 15 are each amended to  
14 read as follows:

15 Upon final determination of maximum benefits and irrigable  
16 acreage aforesaid, the board of directors of the district shall  
17 request that a special election be called, consistent with RCW  
18 29A.04.330, to submit to the electors of the district possessing the  
19 qualifications prescribed by the irrigation district law the question  
20 whether refunding bonds of the district in amount and of the maturity  
21 proposed by said board shall be issued and exchanged for outstanding  
22 bonds as herein provided.

23 **Sec. 429.** RCW 87.22.125 and 1929 c 120 s 16 are each amended to  
24 read as follows:

25 Except as herein otherwise specifically provided said election  
26 shall be called, noticed, conducted, and the results thereof  
27 determined (~~in the same manner and by the same officials~~) as  
28 (~~that~~) provided (~~by law for the calling, noticing, conducting and~~  
29 ~~canvassing of original bond elections in irrigated districts~~) in RCW  
30 87.03.030 and Title 29A RCW.

31 **Sec. 430.** RCW 87.28.103 and 2013 c 177 s 11 are each amended to  
32 read as follows:

33 When the directors of the district have decided to issue revenue  
34 bonds as herein provided, they shall (~~call~~) request a special  
35 election, consistent with RCW 29A.04.330, in the irrigation district  
36 at which election shall be submitted to the electors thereof

1 possessing the qualifications prescribed by law the question whether  
2 revenue bonds of the district in the amount and payable according to  
3 the plan of payment adopted by the board and for the purposes therein  
4 stated shall be issued. The election shall be called, noticed,  
5 conducted, and canvassed in the same manner as provided by (~~law for~~  
6 ~~irrigation district elections to authorize an original issue of bonds~~  
7 ~~payable from revenues derived from annual assessments upon the real~~  
8 ~~property in the district~~)) RCW 87.03.030 and Title 29A RCW: PROVIDED,  
9 That the board of directors shall have full authority to issue  
10 revenue bonds as herein provided payable within a maximum period of  
11 forty years without a special election.

12 **Sec. 431.** RCW 87.52.015 and 1897 c 79 s 2 are each amended to  
13 read as follows:

14 A petition signed by one-third or more (~~holders of title or~~  
15 ~~evidence of title to lands~~)) qualified voters within said district  
16 (~~who shall be qualified electors thereof~~), reciting the fact that  
17 said district has no bonded indebtedness and praying that said  
18 district be disorganized under the provisions of RCW 87.52.010  
19 through 87.52.060, shall be delivered to the secretary of the board  
20 of directors of said district or to one of the directors thereof.

21 **Sec. 432.** RCW 87.52.030 and 2013 c 23 s 517 are each amended to  
22 read as follows:

23 Upon the delivery of said petition the board of directors of said  
24 irrigation district shall(~~, at their next succeeding regular monthly~~  
25 ~~meeting, order an election, the date of which election shall be~~  
26 ~~within twenty days from the date of said meeting of the board of~~  
27 ~~directors~~)) request a special election at the next date for special  
28 elections under RCW 29A.04.330, and which election shall be conducted  
29 as other elections of irrigation districts are conducted under RCW  
30 87.03.030. At said election the qualified electors of said irrigation  
31 district shall cast ballots which shall contain the words  
32 "Disorganize, Yes," or "Disorganize, No." No person shall be entitled  
33 to vote at any election held under the provisions of RCW 87.52.010  
34 through 87.52.060 unless he or she is a qualified voter under the  
35 election laws of the state, and (~~holds title or evidence of title~~  
36 ~~to~~)) resides on the land in said district.

1       **Sec. 433.** RCW 87.52.080 and 1939 c 149 s 2 are each amended to  
2 read as follows:

3       A petition signed by twenty-five or more (~~holders of title or~~  
4 ~~evidence of title to lands~~) qualified voters within said district  
5 (~~who shall be qualified electors~~), reciting the fact that said  
6 district has no bonded indebtedness, has been in existence for more  
7 than twenty years, and has secured no irrigation for any of its  
8 lands, and praying that said district be disorganized under the  
9 provisions of RCW 87.52.070 through 87.52.090, shall be delivered to  
10 the secretary of the board of directors of said district or to one of  
11 the directors thereof.

12       **Sec. 434.** RCW 87.52.090 and 1939 c 149 s 3 are each amended to  
13 read as follows:

14       Upon the delivery of said petition, as aforesaid, the board of  
15 directors of said district, the secretary thereof, and all other  
16 officials provided by law, shall (~~call, notice, conduct and canvass~~  
17 ~~an election~~) request a special election, consistent with RCW  
18 29A.04.330, and if three-fifths of the votes cast at said election  
19 are in favor of the disorganization of the district, shall proceed  
20 with the disorganization of the district, all in the manner, with the  
21 same powers and with the same force and effect and in accordance with  
22 RCW 87.52.030 through 87.52.060.

23       **Sec. 435.** RCW 87.53.040 and 1951 c 237 s 4 are each amended to  
24 read as follows:

25       The board of commissioners of the county shall at their present  
26 or next regular meeting(~~, call an~~) request a special election,  
27 consistent with RCW 29A.04.330, to submit to the electors of the  
28 district the question of whether the district shall be so dissolved.  
29 (~~They shall direct the auditor to give notice of the election and~~  
30 ~~shall appoint the election officials.~~)

31       **Sec. 436.** RCW 87.53.050 and 1951 c 237 s 5 are each amended to  
32 read as follows:

33       The election shall be called upon the same notice and conducted  
34 in like manner as other elections of the district under RCW 87.03.030  
35 and Title 29A RCW: PROVIDED, That when the bondholder's consent to  
36 dissolution provides for an adjustment of the bonded debt and/or the

1 terms and method of its payment the notice of election shall recite  
2 the substance thereof.

3 The ballot shall contain the words "For dissolution, Yes" and  
4 "For dissolution, No." (~~No person not a qualified elector under the~~  
5 ~~general election laws and a freeholder of the district shall be~~  
6 ~~deemed a qualified elector under this chapter.~~) If a majority of the  
7 votes cast favor dissolution, the commissioners shall order the  
8 district dissolved.

9 **Sec. 437.** RCW 87.56.010 and 1988 c 127 s 63 are each amended to  
10 read as follows:

11 In all instances where fifty percent of the acreage within an  
12 irrigation district has been sold to the district on account of  
13 delinquent district assessments, and more than one year has elapsed  
14 since the sale of said property to the district without redemption by  
15 the owners thereof, and the district is unable to raise sufficient  
16 revenue to meet its obligations when the same become due and payable,  
17 such district shall be deemed insolvent and the district board shall  
18 have authority to (~~call an~~) request a special election consistent  
19 with RCW 29A.04.330 in the district to determine whether the district  
20 shall discontinue operation and dissolve: PROVIDED, That in case  
21 there are bonds of the district outstanding, written consent of the  
22 holders of at least fifty-one percent in amount of such outstanding  
23 bonds shall be obtained by the district board before (~~calling~~)  
24 requesting said election: PROVIDED, FURTHER, That if any portion of  
25 such outstanding bonds are owned by the state of Washington the board  
26 of directors of such district shall give written notice to the  
27 director of ecology of the intention of the board of directors to  
28 (~~call~~) request such election, and unless the director of ecology  
29 shall sign written objection to the calling of such election within  
30 ten days after the giving of such notice the state shall be deemed as  
31 consenting thereto.

32 Said election (~~shall be called,~~) shall be conducted and the  
33 results canvassed in the same manner substantially provided by law  
34 for a bond election in the district under RCW 87.03.030 and Title 29A  
35 RCW.

36 **Sec. 438.** RCW 87.84.020 and 2007 c 218 s 80 are each amended to  
37 read as follows:

1 A petition to convert an existing irrigation district to an  
2 irrigation and rehabilitation district shall be signed by at least  
3 fifty (~~holders of title or evidence of title to land~~) qualified  
4 voters within the district. The petition shall contain the following:

5 (1) The legal description of the property to be served.

6 (2) The signature and address of each petitioner, together with  
7 the legal description of the lands within the district owned by each.

8 (3) Any other matter deemed material.

9 The petition shall be accompanied by a bond, to be approved by  
10 the board, in double the amount of the probable cost of organizing  
11 the district, and conditioned that the bondsperson will pay all the  
12 costs if the organization is not effected.

13 **Sec. 439.** RCW 87.84.070 and 2013 c 23 s 531 are each amended to  
14 read as follows:

15 The directors shall be empowered to specially assess land located  
16 in the district for benefits thereto taking as a basis the last  
17 equalized assessment for county purposes: PROVIDED, That such  
18 assessment shall not exceed twenty-five cents per thousand dollars of  
19 assessed value upon such assessed valuation without securing  
20 authorization by vote of the electors of the district at an election  
21 called for that purpose.

22 The (~~board~~) county auditor shall give notice of such an  
23 election, for the time and in the manner and form provided for  
24 irrigation district elections. The manner of conducting and voting at  
25 such an election, (~~opening and closing polls,~~) canvassing the  
26 votes, certifying the returns, and declaring the result shall be  
27 (~~nearly as practicable the same as in irrigation district~~  
28 ~~elections~~) governed by RCW 87.03.030 and Title 29A RCW.

29 The special assessment provided for herein shall be due and  
30 payable at such times and in such amounts as designated by the  
31 district directors, which designation shall be made to the county  
32 auditor in writing, and the amount so designated shall be added to  
33 the general taxes, and entered upon the assessment rolls in his or  
34 her office, and collected therewith.

35 **PART V**

36 **CONSERVATION DISTRICTS**



1       **Sec. 501.** RCW 89.08.110 and 1999 c 305 s 3 are each amended to  
2 read as follows:

3       If the commission finds that the district is needed, it shall  
4 then determine whether it is practicable. To assist the commission in  
5 determining this question, it shall, within a reasonable time,  
6 request a special election, consistent with RCW 29A.04.330, to submit  
7 the proposition to a vote of the district electors in the proposed  
8 district. (~~The commission shall fix the date of the election,~~  
9 ~~designate the polling places, fix the hours for opening and closing~~  
10 ~~the polls, and appoint the election officials. The election shall be~~  
11 ~~conducted, the vote counted and returns canvassed and the results~~  
12 ~~published by the commission.)) The election shall be conducted  
13 consistent with Title 29A RCW.~~

14       **Sec. 502.** RCW 89.08.120 and 1973 1st ex.s. c 184 s 13 are each  
15 amended to read as follows:

16       The (~~commission shall provide the~~) ballots for the election  
17 (~~which~~) shall contain the words

18       " For creation of a conservation district of the lands below  
19 described and lying in the county or counties  
20 of . . . . ., . . . . . and . . . . .," and

21       " Against creation of a conservation district of the lands below  
22 described and lying in the county or counties  
23 of . . . . ., . . . . . and . . . . ."

24       The ballot shall set forth the boundaries of the proposed  
25 district, and contain a direction to (~~insert an X in~~) mark the  
26 square of the voter's choice.

27       **Sec. 503.** RCW 89.08.130 and 1999 c 305 s 4 are each amended to  
28 read as follows:

29       The commission shall give due notice of the election, which shall  
30 state generally the purpose of the election(~~(r)~~) and the date  
31 thereof, (~~the place and hours of voting,~~) and set forth the  
32 boundaries of the proposed district.

33       Only qualified district electors within the proposed district  
34 (~~as determined by the commission~~) may vote at the election. (~~Each~~  
35 ~~voter shall vote in the polling place nearest the voter's~~  
36 ~~residence.)) For purposes of this section, a qualified district~~

1 elector is a natural person who is a registered voter under general  
2 state election laws and who resides in the proposed district.

3 **Sec. 504.** RCW 89.08.140 and 1973 1st ex.s. c 184 s 15 are each  
4 amended to read as follows:

5 The commission shall bear all expense of giving the notices and  
6 conducting the hearings (~~and election~~), and shall issue regulations  
7 governing all hearings (~~and elections~~) and supervise the conduct  
8 thereof. (~~It shall provide for registration of eligible voters or~~  
9 ~~prescribe the procedure to determine the eligible voters. No~~  
10 ~~informality in connection with the election shall invalidate the~~  
11 ~~results, if the notice thereof was substantially given, and the~~  
12 ~~election fairly conducted.)) The costs associated with holding  
13 elections are governed by RCW 29A.04.410.~~

14 **Sec. 505.** RCW 89.08.160 and 1973 1st ex.s. c 184 s 17 are each  
15 amended to read as follows:

16 If the commission finds the project practicable, it shall  
17 (~~appoint two supervisors, one of whom shall be a landowner or~~  
18 ~~operator of a farm, who shall be qualified by training and experience~~  
19 ~~to perform the specialized skilled services required of them. They,~~  
20 ~~with the three elected supervisors, two of whom shall be landowners~~  
21 ~~or operators of a farm, shall constitute the governing board of the~~  
22 ~~district.~~

23 ~~The two appointed supervisors shall)) file with the secretary of~~  
24 ~~state ((a sworn application, reciting that a petition was filed with~~  
25 ~~the commission for the creation of the district; that all required~~  
26 ~~proceedings were had thereon; that they were appointed by the~~  
27 ~~commission as such supervisors; and that the application is being~~  
28 ~~filed to complete the organization of the district. It shall contain~~  
29 ~~the names and residences of the applicants, a certified copy of their~~  
30 ~~appointments, the name of the district, the location of the office of~~  
31 ~~the supervisors and the term of office of each applicant.~~

32 ~~The application shall be accompanied by)) a statement of the~~  
33 ~~commission, reciting that a petition was filed, notice issued, and a~~  
34 ~~hearing held thereon as required; that it determined the need for the~~  
35 ~~district and defined the boundaries thereof; that notice was given~~  
36 ~~and an election held on the question of creating the district; that a~~  
37 ~~majority vote favored the district, and that the commission had~~

1 determined the district practicable; and shall set forth the  
2 boundaries of the district.

3 **Sec. 506.** RCW 89.08.190 and 2002 c 43 s 3 are each amended to  
4 read as follows:

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

11 In the case of a new district, the commission shall give due  
12 notice to elect the ~~((three))~~ five supervisors. All provisions  
13 pertaining to elections ~~((on the creation of a district))~~ under Title  
14 29A RCW shall govern this election ~~((so far as applicable))~~, except  
15 no primary shall be held for the initial election of supervisors. The  
16 names of all nominees shall appear on the ballot in alphabetical  
17 order, together with instructions to vote for ~~((three))~~ five. The  
18 ~~((three))~~ five candidates receiving the most votes shall be declared  
19 elected supervisors, the ~~((one))~~ two receiving the most being elected  
20 for a ~~((three-year))~~ four-year term, ~~((the next for two))~~ and the  
21 ~~((last))~~ next three for ~~((one-year))~~ two years. An alternate method  
22 of dividing the district into ~~((three))~~ five zones with populations  
23 as nearly equal as practicable may be used when requested by the  
24 board of supervisors and approved by the commission. In such case,  
25 instructions will be to vote for one in each zone. The candidate  
26 receiving the most votes in a zone shall be declared elected.

27 ~~((Each year after the creation of the first board of supervisors,~~  
28 ~~the board shall by resolution and by giving due notice, set a date~~  
29 ~~during the first quarter of each calendar year at which time it shall~~  
30 ~~conduct an election, except that for elections in 2002 only, the~~  
31 ~~board shall set the date during the second quarter of the calendar~~  
32 ~~year at which time it shall conduct an election. Names of candidates~~  
33 ~~nominated by petition shall appear in alphabetical order on the~~  
34 ~~ballots, together with an extra line wherein may be written in the~~  
35 ~~name of any other candidate. The commission shall establish~~  
36 ~~procedures for elections, canvass the returns and announce the~~  
37 ~~official results thereof. Election results may be announced by~~  
38 ~~polling officials at the close of the election subject to official~~

1 ~~canvass of ballots by the commission.))~~ Supervisors elected shall  
2 take office at the first board meeting following the election.

3 NEW SECTION. **Sec. 507.** Whenever, as a result of the application  
4 of sections 505 and 506 of this act, the term of office of an  
5 appointed supervisor is incomplete but the position becomes an  
6 elected position, the appointed supervisor shall continue to serve:

7 (1) If the term is scheduled to end in an even-numbered year,  
8 through the end of that year. An election for the successor shall be  
9 held at the general election in the November prior to the end of the  
10 term; or

11 (2) If the term is scheduled to end in an odd-numbered year,  
12 until a successor is elected in the next general election following  
13 the scheduled end of the term and is qualified and assumes office in  
14 accordance with RCW 29A.60.280.

15 **Sec. 508.** RCW 89.08.200 and 2013 c 23 s 550 are each amended to  
16 read as follows:

17 After the creation of the first board of supervisors, subsequent  
18 elections for new supervisors are governed by Title 29A RCW, and a  
19 primary shall be held. The term of office of each supervisor shall be  
20 ((three)) four years and until his or her successor is ((appointed  
21 or)) elected and qualified((, except that the supervisors first  
22 appointed shall serve for one and two years respectively from the  
23 date of their appointments, as designated in their appointments.

24 ~~In the case of elected supervisors, the term of office of each~~  
25 ~~supervisor shall be three years and until his or her successor is~~  
26 ~~elected and qualified, except that for the first election, the one~~  
27 ~~receiving the largest number of votes shall be elected for three~~  
28 ~~years; the next largest two years; and the third largest one year.~~  
29 ~~Successors shall be elected for three-year terms.~~

30 ~~Vacancies in the office of appointed supervisors shall be filled~~  
31 ~~by the state conservation commission)).~~ Vacancies in the office of  
32 elected supervisors shall be filled by appointment made by the  
33 remaining supervisors for the unexpired term.

34 A majority of the supervisors shall constitute a quorum and the  
35 concurrence of a majority is required for any official action or  
36 determination.

37 Supervisors shall serve without compensation, but they shall be  
38 entitled to expenses, including traveling expenses, necessarily

1 incurred in discharge of their duties. A supervisor may be removed by  
2 the state conservation commission upon notice and hearing, for  
3 neglect of duty or malfeasance in office, but for no other reason.

4 The governing board shall designate a chair from time to time.

5 **PART VI**  
6 **REPEALERS**

7 NEW SECTION. **Sec. 601.** The following acts or parts of acts are  
8 each repealed:

9 (1) RCW 85.38.110 (Presumed eligible voters' list—Notice of  
10 requirements of voting authority—Copy of voter's list to county  
11 auditor) and 1991 c 349 s 13 & 1985 c 396 s 12;

12 (2) RCW 85.38.130 (Election officials—Duties—Voting hours—  
13 Challenged ballots—Absentee ballots) and 1991 c 349 s 16 & 1985 c 396  
14 s 14;

15 (3) RCW 86.09.377 (Voting rights) and 1991 c 349 s 4 & 1985 c 396  
16 s 22;

17 (4) RCW 86.09.379 (Elections—Informality not fatal) and 1937 c 72  
18 s 127;

19 (5) RCW 87.03.031 (Absentee voting—Certification of  
20 inconvenience) and 2013 c 23 s 481 & 1961 c 105 s 2;

21 (6) RCW 87.03.032 (Absentee voting—Notice of election, contents—  
22 Ballot and form of certificate of qualifications to be furnished) and  
23 2013 c 23 s 482 & 1961 c 105 s 3;

24 (7) RCW 87.03.033 (Absentee voting—Requirements for ballot to be  
25 counted—Statement of qualifications—Form of ballot) and 2013 c 23 s  
26 483 & 1961 c 105 s 4;

27 (8) RCW 87.03.034 (Absentee voting—How incoming ballots are  
28 handled—Canvass—Statement of result of both regular and absentee  
29 ballots) and 1961 c 105 s 5;

30 (9) RCW 87.03.035 (Elections to form district—How conducted) and  
31 1955 c 57 s 2;

32 (10) RCW 87.03.045 (Qualifications of voters and directors—  
33 Districts of two hundred thousand acres) and 2013 c 23 s 484, 1985 c  
34 66 s 1, 1971 ex.s. c 292 s 72, 1961 c 192 s 12, & 1955 c 57 s 4;

35 (11) RCW 87.03.051 (Qualifications of voters and directors—  
36 Districts of less than two hundred thousand acres) and 1997 c 354 s 1  
37 & 1985 c 66 s 2;

1           (12) RCW 87.03.071 (Certain districts—Individual ownerships—Two  
2 votes) and 1985 c 66 s 3;  
3           (13) RCW 87.03.085 (Post-organization district elections—Election  
4 boards—Notice) and 1987 c 123 s 1, 1984 c 168 s 2, & 1889-90 p 674 s  
5 5;  
6           (14) RCW 87.03.090 (Post-organization district elections—Election  
7 officers—Voting hours) and 2013 c 23 s 489, 1931 c 60 s 1, & 1889-90  
8 p 674 s 6;  
9           (15) RCW 87.03.095 (Post-organization district elections—Counting  
10 votes—Record of ballots) and 1889-90 p 675 s 7;  
11           (16) RCW 87.03.100 (Post-organization district elections—  
12 Certification of returns—Preservation for recount) and 2013 c 23 s  
13 490, 1981 c 345 s 2, 1981 c 208 s 2, 1889-90 p 675 s 8;  
14           (17) RCW 87.03.105 (Post-organization district elections—Canvass)  
15 and 1889-90 p 676 s 9;  
16           (18) RCW 87.03.110 (Post-organization district elections—  
17 Statement of result of election—Certificate of election) and 2013 c  
18 23 s 491, 1913 c 165 s 4, 1895 c 165 s 4, & 1889-90 p 676 s 10;  
19           (19) RCW 87.53.060 (Election returns, effect—Records to auditor)  
20 and 1951 c 237 s 6;  
21           (20) RCW 42.17A.010 (Conservation district exception) and 2002 c  
22 43 s 4; and  
23           (21) 2002 c 43 s 1 (uncodified).

--- END ---