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**SUBSTITUTE SENATE BILL 6514**

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**State of Washington                      66th Legislature                      2020 Regular Session**

**By** Senate Local Government (originally sponsored by Senators Schoesler and Hunt)

READ FIRST TIME 02/05/20.

1            AN ACT Relating to irrigation district elections; amending RCW  
2 84.56.020, 87.03.031, 87.03.032, 87.03.033, 87.03.075, and 87.03.085;  
3 adding new sections to chapter 87.03 RCW; and prescribing penalties.

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

5            NEW SECTION.    **Sec. 1.**    A new section is added to chapter 87.03  
6 RCW to read as follows:

7            (1) The county assessor or assessors of each irrigation district  
8 must annually establish and provide to the district a list of all  
9 qualified electors as described in RCW 87.03.045 and 87.03.051 that  
10 reside within the county of the assessor. The county assessor or  
11 assessors of each district must establish such a list in order to  
12 assist districts in maintaining an accurate voter roll. However, the  
13 list is not an exclusive voter roll and does not supersede any list  
14 maintained by the district.

15            (2) Thereafter, the county assessor or assessors of each  
16 irrigation district must annually maintain, update, and provide the  
17 list to the district.

18            (3) The counties in which each irrigation district is located are  
19 authorized to impose a one-time assessment at the rate of one dollar  
20 per acre for the purposes of this section.

1       **Sec. 2.** RCW 84.56.020 and 2019 c 332 s 1 are each amended to  
2 read as follows:

3       **Treasurers' tax collection duties.**

4       (1) The county treasurer must be the receiver and collector of  
5 all taxes extended upon the tax rolls of the county, whether levied  
6 for state, county, school, bridge, road, municipal or other purposes,  
7 and also of all fines, forfeitures or penalties received by any  
8 person or officer for the use of his or her county. No treasurer may  
9 accept tax payments or issue receipts for the same until the  
10 treasurer has completed the tax roll for the current year's  
11 collection and provided notification of the completion of the roll.  
12 Notification may be accomplished electronically, by posting a notice  
13 in the office, or through other written communication as determined  
14 by the treasurer. All real and personal property taxes and  
15 assessments made payable by the provisions of this title are due and  
16 payable to the county treasurer on or before the thirtieth day of  
17 April and, except as provided in this section, are delinquent after  
18 that date.

19       **Tax statements.**

20       (2) (a) Tax statements for the current year's collection must be  
21 distributed to each taxpayer on or before March 15th provided that:

22       (i) All city and other taxing district budgets have been  
23 submitted to county legislative authorities by November 30th per RCW  
24 84.52.020;

25       (ii) The county legislative authority in turn has certified taxes  
26 levied to the county assessor by November 30th per RCW 84.52.070; and

27       (iii) The county assessor has delivered the tax roll to the  
28 county treasurer by January 15th per RCW 84.52.080.

29       (b) Each tax statement must include a notice that checks for  
30 payment of taxes may be made payable to "Treasurer of . . . . .  
31 County" or other appropriate office, but tax statements may not  
32 include any suggestion that checks may be made payable to the name of  
33 the individual holding the office of treasurer nor any other  
34 individual.

35       (c) Each tax statement distributed to an address must include a  
36 notice with information describing the:

37       (i) Property tax exemption program pursuant to RCW 84.36.379  
38 through 84.36.389; and

39       (ii) Property tax deferral program pursuant to chapter 84.38 RCW.

1 (d) Each tax statement distributed to an address must notify the  
2 taxpayer if the title owner of the property resides in an irrigation  
3 district under chapter 87.03 RCW and if the title owner is  
4 potentially eligible to vote or declare for candidacy as provided in  
5 chapter 87.03 RCW.

6 **Tax payment due dates.**

7 **On-time tax payments: First-half taxes paid by April 30th and**  
8 **second-half taxes paid by October 31st.**

9 (3) When the total amount of tax or special assessments on  
10 personal property or on any lot, block or tract of real property  
11 payable by one person is fifty dollars or more, and if one-half of  
12 such tax is paid on or before the thirtieth day of April, the  
13 remainder of such tax is due and payable on or before the following  
14 thirty-first day of October and is delinquent after that date.

15 **Delinquent tax payments for current year: First-half taxes paid**  
16 **after April 30th.**

17 (4) When the total amount of tax or special assessments on any  
18 lot, block or tract of real property or on any mobile home payable by  
19 one person is fifty dollars or more, and if one-half of such tax is  
20 paid after the thirtieth day of April but before the thirty-first day  
21 of October, together with the applicable interest and penalty on the  
22 full amount of tax payable for that year, the remainder of such tax  
23 is due and payable on or before the following thirty-first day of  
24 October and is delinquent after that date.

25 **Delinquent tax payments: Interest, penalties, and treasurer**  
26 **duties.**

27 (5) Except as provided in (c) of this subsection, delinquent  
28 taxes under this section are subject to interest at the rate of  
29 twelve percent per annum computed on a monthly basis on the amount of  
30 tax delinquent from the date of delinquency until paid. Interest must  
31 be calculated at the rate in effect at the time of the tax payment,  
32 regardless of when the taxes were first delinquent. In addition,  
33 delinquent taxes under this section are subject to penalties as  
34 follows:

35 (a) A penalty of three percent of the amount of tax delinquent is  
36 assessed on the tax delinquent on June 1st of the year in which the  
37 tax is due.

38 (b) An additional penalty of eight percent is assessed on the  
39 delinquent tax amount on December 1st of the year in which the tax is  
40 due.

1 (c) If a taxpayer is successfully participating in a payment  
2 agreement under subsection (15)(b) of this section or a partial  
3 payment program pursuant to subsection (15)(c) of this section, the  
4 county treasurer may not assess additional penalties on delinquent  
5 taxes that are included within the payment agreement. Interest and  
6 penalties that have been assessed prior to the payment agreement  
7 remain due and payable as provided in the payment agreement.

8 (6) A county treasurer must provide notification to each taxpayer  
9 whose taxes have become delinquent under subsections (4) and (5) of  
10 this section. The delinquency notice must specify where the taxpayer  
11 can obtain information regarding:

12 (a) Any current tax or special assessments due as of the date of  
13 the notice;

14 (b) Any delinquent tax or special assessments due, including any  
15 penalties and interest, as of the date of the notice; and

16 (c) Where the taxpayer can pay his or her property taxes directly  
17 and contact information, including but not limited to the phone  
18 number, for the statewide foreclosure hotline recommended by the  
19 Washington state housing finance commission.

20 (7) Within ninety days after the expiration of two years from the  
21 date of delinquency (when a taxpayer's taxes have become delinquent),  
22 the county treasurer must provide the name and property address of  
23 the delinquent taxpayer to a homeownership resource center or any  
24 other designated local or state entity recommended by the Washington  
25 state housing finance commission.

26 **Collection of foreclosure costs.**

27 (8)(a) When real property taxes become delinquent and prior to  
28 the filing of the certificate of delinquency, the treasurer is  
29 authorized to assess and collect tax foreclosure avoidance costs.

30 (b) When tax foreclosure avoidance costs are collected, such  
31 costs must be credited to the county treasurer service fund account,  
32 except as otherwise directed.

33 (c) For purposes of chapter 84.64 RCW, any taxes, interest, or  
34 penalties deemed delinquent under this section remain delinquent  
35 until such time as all taxes, interest, and penalties for the tax  
36 year in which the taxes were first due and payable have been paid in  
37 full.

38 **Periods of armed conflict.**

39 (9) Subsection (5) of this section notwithstanding, no interest  
40 or penalties may be assessed during any period of armed conflict

1 regarding delinquent taxes imposed on the personal residences owned  
2 by active duty military personnel who are participating as part of  
3 one of the branches of the military involved in the conflict and  
4 assigned to a duty station outside the territorial boundaries of the  
5 United States.

6 **State of emergency.**

7 (10) During a state of emergency declared under RCW  
8 43.06.010(12), the county treasurer, on his or her own motion or at  
9 the request of any taxpayer affected by the emergency, may grant  
10 extensions of the due date of any taxes payable under this section as  
11 the treasurer deems proper.

12 **Retention of funds from interest.**

13 (11) All collections of interest on delinquent taxes must be  
14 credited to the county current expense fund.

15 (12) For purposes of this chapter, "interest" means both interest  
16 and penalties.

17 **Retention of funds from property foreclosures and sales.**

18 (13) The direct cost of foreclosure and sale of real property,  
19 and the direct fees and costs of distraint and sale of personal  
20 property, for delinquent taxes, must, when collected, be credited to  
21 the operation and maintenance fund of the county treasurer  
22 prosecuting the foreclosure or distraint or sale; and must be used by  
23 the county treasurer as a revolving fund to defray the cost of  
24 further foreclosure, distraint, and sale because of delinquent taxes  
25 without regard to budget limitations and not subject to indirect  
26 costs of other charges.

27 **Tax due dates and options for tax payment collections.**

28 **Electronic billings and payments.**

29 (14) For purposes of this chapter, and in accordance with this  
30 section and RCW 36.29.190, the treasurer may collect taxes,  
31 assessments, fees, rates, interest, and charges by electronic billing  
32 and payment. Electronic billing and payment may be used as an option  
33 by the taxpayer, but the treasurer may not require the use of  
34 electronic billing and payment. Electronic bill presentment and  
35 payment may be on a monthly or other periodic basis as the treasurer  
36 deems proper for:

37 (a) Delinquent tax year payments; and

38 (b) Prepayments of current tax.

39 **Tax payments.**

40 **Prepayment for current taxes.**

1 (15)(a) The treasurer may accept prepayments for current year  
2 taxes by any means authorized. All prepayments must be paid in full  
3 by the due date specified in subsection (16) of this section.

4 **Payment agreements for current year taxes.**

5 (b)(i) The treasurer may provide, by electronic means or  
6 otherwise, a payment agreement that provides for payment of current  
7 year taxes, inclusive of prepayment collection charges. The payment  
8 agreement must be signed by the taxpayer and treasurer or the  
9 treasurer's deputy prior to the sending of an electronic or  
10 alternative bill, which includes a payment plan for current year  
11 taxes.

12 **Payment agreements for delinquent year taxes.**

13 (ii)(A) The treasurer may provide, by electronic means or  
14 otherwise, a payment agreement for payment of past due delinquencies.  
15 The payment agreement must be signed by the taxpayer and treasurer or  
16 the treasurer's deputy prior to the sending of an electronic or  
17 alternative bill, which includes a payment plan for past due  
18 delinquent taxes and charges.

19 (B) Tax payments received by a treasurer for delinquent year  
20 taxes from a taxpayer participating on a payment agreement must be  
21 applied first to the oldest delinquent year unless such taxpayer  
22 requests otherwise.

23 **Partial payments: Acceptance of partial payments for current and**  
24 **delinquent taxes.**

25 (c)(i) In addition to the payment agreement program in (b) of  
26 this subsection, the treasurer may accept partial payment of any  
27 current and delinquent taxes including interest and penalties by any  
28 means authorized including electronic bill presentment and payments.

29 (ii) All tax payments received by a treasurer for delinquent year  
30 taxes from a taxpayer paying a partial payment must be applied first  
31 to the oldest delinquent year unless such taxpayer requests  
32 otherwise.

33 **Payment for delinquent taxes.**

34 (d) Payments on past due taxes must include collection of the  
35 oldest delinquent year, which includes interest, penalties, and taxes  
36 within an eighteen-month period, prior to filing a certificate of  
37 delinquency under chapter 84.64 RCW or distraint pursuant to RCW  
38 84.56.070.

39 **Due date for tax payments.**

1 (16) All taxes upon real and personal property made payable by  
2 the provisions of this title are due and payable to the treasurer on  
3 or before the thirtieth day of April and are delinquent after that  
4 date. The remainder of the tax is due and payable on or before the  
5 following thirty-first of October and is delinquent after that date.  
6 All other assessments, fees, rates, and charges are delinquent after  
7 the due date.

8 **Electronic funds transfers.**

9 (17) A county treasurer may authorize payment of:

10 (a) Any current property taxes due under this chapter by  
11 electronic funds transfers on a monthly or other periodic basis; and

12 (b) Any past due property taxes, penalties, and interest under  
13 this chapter by electronic funds transfers on a monthly or other  
14 periodic basis. Delinquent taxes are subject to interest and  
15 penalties, as provided in subsection (5) of this section. All tax  
16 payments received by a treasurer from a taxpayer paying delinquent  
17 year taxes must be applied first to the oldest delinquent year unless  
18 such taxpayer requests otherwise.

19 **Payment for administering prepayment collections.**

20 (18) The treasurer must pay any collection costs, investment  
21 earnings, or both on past due payments or prepayments to the credit  
22 of a county treasurer service fund account to be created and used  
23 only for the payment of expenses incurred by the treasurer, without  
24 limitation, in administering the system for collecting prepayments.

25 **Waiver of interest and penalties for qualified taxpayers subject**  
26 **to foreclosure.**

27 (19) No earlier than sixty days prior to the date that is three  
28 years after the date of delinquency, the treasurer must waive all  
29 outstanding interest and penalties on delinquent taxes due from a  
30 taxpayer if the property is subject to an action for foreclosure  
31 under chapter 84.64 RCW and the following requirements are met:

32 (a) The taxpayer is income-qualified under RCW 84.36.381(5)(a),  
33 as verified by the county assessor;

34 (b) The taxpayer occupies the property as their principal place  
35 of residence; and

36 (c) The taxpayer has not previously received a waiver on the  
37 property as provided under this subsection.

38 **Definitions.**

39 (20) The definitions in this subsection apply throughout this  
40 section unless the context clearly requires otherwise.

1 (a) "Electronic billing and payment" means statements, invoices,  
2 or bills that are created, delivered, and paid using the internet.  
3 The term includes an automatic electronic payment from a person's  
4 checking account, debit account, or credit card.

5 (b) "Internet" has the same meaning as provided in RCW  
6 19.270.010.

7 (c) "Tax foreclosure avoidance costs" means those direct costs  
8 associated with the administration of properties subject to and prior  
9 to foreclosure. Tax foreclosure avoidance costs include:

10 (i) Compensation of employees for the time devoted to  
11 administering the avoidance of property foreclosure; and

12 (ii) The cost of materials, services, or equipment acquired,  
13 consumed, or expended in administering tax foreclosure avoidance  
14 prior to the filing of a certificate of delinquency.

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

17 (1) Any qualified district elector who certifies as provided in  
18 RCW 87.03.032 through 87.03.034 that he or she cannot conveniently be  
19 present to cast his or her ballot at his or her proper election  
20 precinct on the day of any irrigation district election shall be  
21 entitled to vote by absentee ballot in such election in the manner  
22 herein provided.

23 (2) In a district with an annual revenue of more than one million  
24 dollars, every qualified district elector is entitled to vote by  
25 absentee ballot in any irrigation district election, without  
26 certifying that he or she cannot conveniently be present to cast his  
27 or her ballot at his or her proper election precinct on the day of  
28 the irrigation district election.

29 **Sec. 4.** RCW 87.03.032 and 2013 c 23 s 482 are each amended to  
30 read as follows:

31 (1) The notice of election shall conform to the requirements for  
32 election notices provided by ((Title 87 RCW)) this title for the  
33 election being held, and shall specify in addition that any qualified  
34 district elector who certifies that he or she cannot conveniently be  
35 present at his or her proper election precinct on the day of election  
36 may vote by absentee ballot, and that a ballot and form of  
37 certificate of qualifications will be furnished to him or her on  
38 written request being made of the district's secretary. The requisite

1 ballot and a form of certificate of qualifications shall be furnished  
2 by the district's secretary to any person who prior to the date of  
3 election makes written request therefor, stating that he or she is a  
4 qualified district elector. Such ballot and form may be furnished  
5 also to qualified district electors in any way deemed to be  
6 convenient without regard to requests having been made therefor.

7 (2) (a) In a district with an annual revenue of more than one  
8 million dollars, the notice of election shall conform to the  
9 requirements for election notices provided by this title for the  
10 election being held, and shall specify in addition that any qualified  
11 district elector may vote by absentee ballot, and that a ballot and  
12 form of certificate of qualifications will be sent, without request,  
13 to the elector at the address of the property that entitles him or  
14 her to vote in district elections.

15 (b) In such districts, voting by absentee ballot shall be the  
16 regular method for the return of votes cast in an irrigation district  
17 election, but districts may also choose to conduct elections at  
18 designated polling places.

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

21 (1) To be counted in a given election, an absentee ballot must  
22 conform to these requirements:

23 (a) It must be sealed in an unmarked envelope and in an  
24 additional outer envelope as provided in (b) of this subsection and  
25 delivered to the district's principal office prior to the close of  
26 the polls on the day of that election; or be sealed in an unmarked  
27 envelope and in an additional outer envelope as provided in (b) of  
28 this subsection and mailed to the district's secretary, postmarked  
29 not later than midnight of that election day and received by the  
30 secretary within five days of that date.

31 (b) (i) To ensure secrecy of the vote, the unmarked envelope must  
32 be sealed within an additional outer envelope, requiring the ballot  
33 to be provided with two envelopes for ballot return.

34 (ii) Districts with an annual revenue of one million dollars or  
35 less are not required to provide two envelopes for ballot return or  
36 have the unmarked envelope sealed with an additional outer envelope.

37 (c) The sealed envelopes containing the ballot shall be  
38 accompanied by a certificate of qualifications stating, with respect  
39 to the voter, his or her name, age, citizenship, residence, and that

1 he or she holds title or evidence of title to lands within the  
2 district which, under RCW 87.03.045 entitles him or her to vote in  
3 the election, and for districts with an annual revenue of one million  
4 dollars or less, that he or she cannot conveniently be present to  
5 cast his or her ballot at his or her proper election precinct on  
6 election day.

7 ~~((e))~~ (d) The statements in the certificate of qualifications  
8 shall be certified as correct by the voter by the affixing of his or  
9 her signature thereto in the presence of a witness who is acquainted  
10 with the voter, and the voter shall enclose and seal his or her  
11 ballot in the unmarked envelope and outer envelope in the presence of  
12 this witness but without disclosing his or her vote. The witness, by  
13 affixing his or her signature to the certificate of qualifications,  
14 shall certify that he or she is acquainted with the voter, that in  
15 his or her presence the voter's signature was affixed and the ballot  
16 enclosed as required in this paragraph.

17 (2) The form of statement of qualifications and its certification  
18 shall be substantially as prescribed by the district's board of  
19 directors. This form may also provide that the voter shall describe  
20 all or some part of his or her lands within the district which, under  
21 RCW 87.03.045 entitles him or her to vote in the election, but a  
22 voter otherwise qualified shall not be disqualified because of the  
23 absence or inaccuracy of the description so given. The regular form  
24 of irrigation district ballot shall be used by absentee voters.

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

27 (1) Voting in an irrigation district shall be by ballot. Ballots  
28 shall be of uniform size and quality, provided by the district, and  
29 for the election of directors shall contain only the names of the  
30 candidates who have filed with the secretary of the district a  
31 declaration in writing of their candidacy, or a petition of  
32 nomination as hereinafter provided, not later than five o'clock p.m.  
33 on the first Monday in November. Ballots shall contain space for  
34 sticker voting or for the writing in of the name of an undeclared  
35 candidate. Ballots shall be issued by the election board according to  
36 the number of votes an elector is entitled to cast. A person filing a  
37 declaration of candidacy, or petition of nomination as hereinafter  
38 provided, shall designate therein the position for which he or she is

1 a candidate. No ballots on any form other than the official form  
2 shall be received or counted.

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

20 (2) In a district with an annual revenue of more than one million  
21 dollars, an election must still be held even if, after the expiration  
22 of the date for filing petitions of nomination, it appears that only  
23 one qualified candidate has been nominated. The ballot for such  
24 position must provide the name of the nominated candidate and a space  
25 for writing in any other qualified candidate who was eligible to be  
26 nominated prior to the expiration of the date for filing petitions of  
27 nomination.

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

30 (1) Fifteen days before any election held under this chapter,  
31 subsequent to the organization of any district, the secretary of the  
32 board of directors shall cause notices to be posted in three public  
33 places in each election precinct, of the time and place of holding  
34 the election. The secretary shall also post a general notice of the  
35 same in the office of the board, which shall be established and kept  
36 at some fixed place to be determined by the board, specifying the  
37 polling places of each precinct. Prior to the time for posting the  
38 notices, the board must appoint for each precinct, from the electors  
39 thereof, one inspector and two judges, who shall constitute a board

1 of election for the precinct. If the board fails to appoint a board  
2 of election, or the members appointed do not attend at the opening of  
3 the polls on the morning of election, the electors of the precinct  
4 present at that hour may appoint the board, or supply the place of an  
5 absent member thereof. The board of directors must, in its order  
6 appointing the board of election, designate the house or place within  
7 the precinct where the election must be held. However, in any  
8 irrigation district that is less than two hundred thousand acres in  
9 size and is divided into director divisions, the board of directors  
10 in its discretion may designate one polling place within the district  
11 to serve more than one election precinct. The board of directors of  
12 any irrigation district may designate the principal business office  
13 of the district as a polling place to serve one or more election  
14 precincts and may do so regardless of whether the business office is  
15 located within or outside of the boundaries of the district. If the  
16 board of directors does designate a single polling place for more  
17 than one election precinct, then the election officials appointed by  
18 the board of directors may serve more than one election precinct and  
19 the election officials may be electors of any of the election  
20 precincts for which they are the election board.

21 (2) (a) A district with an annual revenue of more than one million  
22 dollars is subject to the following additional notice requirements:

23 (i) Thirty days before any election held under this chapter,  
24 subsequent to the organization of any district, the district must  
25 notify each qualified elector directly, either by mail or electronic  
26 communication, of the time and place of holding the election; and

27 (ii) Sixty days before the petition of nomination filing deadline  
28 under RCW 87.03.075, the district must notify each qualified elector  
29 of the expiration of the term of any serving director that will occur  
30 that year. This notice must also include the method and deadline for  
31 declaring candidacy under RCW 87.03.075.

32 (b) Each district must establish and maintain a web site, either  
33 individually or through the Washington state water resources  
34 association, in order to communicate with qualified electors. The web  
35 site must include, but is not limited to, the names of the board of  
36 directors, district rules and procedures, state law on irrigation  
37 districts, current assessments, district services and projects,  
38 information on elections, including election results, and contact  
39 information for the district.

1        NEW SECTION.    **Sec. 8.**    A new section is added to chapter 87.03  
2    RCW to read as follows:

3        The following election security requirements apply to districts  
4    that have an annual revenue of more than one million dollars:

5        (1) At all times when ballots are being controlled including, but  
6    not limited to, receipt, opening of ballots, certification,  
7    tabulation, reconciliation, or any other type of processing, two  
8    individuals not on the ballot must be present;

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

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

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

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

19        (iii) All seal logs must be retained;

20        (c) Each ballot box must be physically secured so that it cannot  
21   be stolen or moved, except by district election officials only, or  
22   designated district staff if available;

23        (d) Any election officials or district staff carrying out  
24   official ballot or election duties may not be a candidate on the  
25   election ballot;

26        (3) (a) Ballot envelopes may not be opened immediately after voter  
27   deposit, and ballots must be opened in batches, rather than  
28   individually;

29        (b) The number of tabulated ballots must be reconciled with the  
30   number of ballots received;

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

33        (d) Processing of ballots must be open to observation by the  
34   public;

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

37        (f) Once processing of ballots is completed, date and time of the  
38   verification of processing must be posted in either (i) the district  
39   office, for at least two weeks; (ii) on the district web site, for at  
40   least two weeks; or (iii) at least once a week for two weeks in one

1 or more newspapers of general circulation within the irrigation  
2 district;

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

6 (b) Written challenge procedures must be established for  
7 challenges made by both the public and district election officials or  
8 staff;

9 (c) The outcome of the challenge must be posted in either (i) the  
10 district office, for at least two weeks; (ii) on the district web  
11 site, for at least two weeks; or (iii) at least once a week for two  
12 weeks in one or more newspapers of general circulation within the  
13 irrigation district;

14 (5) Each district must establish a written cure procedure for  
15 curing errors that occurred during ballot processing or are  
16 discovered through valid voter challenges, including a clear timeline  
17 for when the cure will occur; and

18 (6) Lists and reports of ballots, election outcomes, voter  
19 challenges and challenge outcomes, and curing of errors must be  
20 maintained by each district and made available to the public.

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

23 A district with an annual revenue of more than one million  
24 dollars is subject to the following penalties for election security  
25 violations:

26 (1) Any person who willfully violates any of the provisions of  
27 section 8 (1) through (3) of this act is guilty of a gross  
28 misdemeanor punishable under RCW 9A.20.021;

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

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

34 (a) Deceives any voter in recording his or her vote by providing  
35 incorrect or misleading recording information or by providing faulty  
36 election equipment or records; or

37 (b) Records the vote of any voter in a manner other than as  
38 designated by the voter.

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

3        The secretary of state must adopt model rules and standard  
4    practices in order to assist districts in implementing the  
5    requirements of this act.

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