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**SUBSTITUTE HOUSE BILL 1652**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** House State Government & Tribal Relations (originally sponsored by Representatives Dolan, Lekanoff, Shewmake, Fitzgibbon, Goodman, and Tharinger)

READ FIRST TIME 02/03/22.

1 AN ACT Relating to conservation district elections; amending RCW  
2 89.08.190, 89.08.200, 29A.04.330, 29A.52.220, 42.17A.010, and  
3 42.17A.705; adding a new section to chapter 89.08 RCW; creating a new  
4 section; and prescribing penalties.

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

6 **Sec. 1.** RCW 89.08.190 and 2002 c 43 s 3 are each amended to read  
7 as follows:

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

14 In the case of a new district, the commission shall give due  
15 notice to elect the three supervisors. All provisions pertaining to  
16 elections on the creation of a district shall govern this election so  
17 far as applicable. The names of all nominees shall appear on the  
18 ballot in alphabetical order, together with instructions to vote for  
19 three. The three candidates receiving the most votes shall be  
20 declared elected supervisors (~~the one receiving the most being~~  
21 ~~elected for a three-year term, the next for two and the last for one~~

1 year)). Terms of office for the initial supervisors are specified in  
2 section 2 of this act. An alternate method of dividing the district  
3 into three zones may be used when requested by the board of  
4 supervisors and approved by the commission. In such case,  
5 instructions will be to vote for one in each zone. The candidate  
6 receiving the most votes in a zone shall be declared elected.

7 ~~((Each year after))~~ After the creation of the first board of  
8 supervisors, supervisor terms of office shall be four years. An  
9 election shall be held every other year in odd-numbered years. In  
10 each odd-numbered year after the creation of the first board of  
11 supervisors, the board shall by resolution and by giving due notice,  
12 set a date during the ~~((first quarter of each calendar year at which~~  
13 ~~time it shall conduct an election, except that for elections in 2002~~  
14 ~~only, the board shall set the date during the second quarter of the~~  
15 ~~calendar year at which time it shall conduct an election))~~ month  
16 identified by the conservation commission within which all  
17 conservation district elections shall be held. Names of candidates  
18 nominated by petition shall appear in alphabetical order on the  
19 ballots, together with an extra line wherein may be written in the  
20 name of any other candidate. The commission shall establish  
21 procedures for elections, canvass the returns and announce the  
22 official results thereof. Election results may be announced by  
23 polling officials at the close of the election subject to official  
24 canvass of ballots by the commission. Supervisors elected shall take  
25 office at the first board meeting following the election.

26 A district board of supervisors may choose to conduct the  
27 election of supervisors subject to Title 29A RCW. Such change by the  
28 district board of supervisors must be made by a vote of a majority of  
29 the district supervisors following public notice and a hearing on the  
30 proposal. The district must notify the commission of the proposed  
31 motion and public notice of the action. In the event a district  
32 chooses to conduct the election subject to Title 29A RCW, rules and  
33 guidance developed by the commission for the conduct of supervisor  
34 elections do not apply and the district must comply with all  
35 provisions of Title 29A RCW.

36 Conservation district supervisors may choose to remove the  
37 district election from the Title 29A RCW process and revert to the  
38 commission election process by a majority vote of the supervisors.  
39 Such vote shall not take place until at least six years has passed

1 since the district supervisors have passed a resolution to conduct  
2 supervisor elections consistent with Title 29A RCW.

3 **Sec. 2.** RCW 89.08.200 and 2013 c 23 s 550 are each amended to  
4 read as follows:

5 The term of office of each supervisor shall be ~~((three))~~ four  
6 years and until his or her successor is appointed or elected and  
7 qualified, except ~~((that))~~ for the supervisors first appointed. If  
8 the first supervisors are appointed in an even-numbered year, they  
9 shall serve for one and ~~((two))~~ three years respectively from the  
10 date of their appointments, as designated in their appointments. If  
11 the first supervisors are appointed in an odd-numbered year, they  
12 shall serve for two and four years respectively from the date of  
13 their appointments, as designated in their appointments.

14 In the case of elected supervisors, the term of office of each  
15 supervisor shall be ~~((three))~~ four years and until his or her  
16 successor is elected and qualified, except ~~((that))~~ for the first  
17 election(~~(, the one receiving the largest number of votes shall be~~  
18 ~~elected for three years; the next largest two years; and the third~~  
19 ~~largest)). If the first election takes place in an odd-numbered year,~~  
20 the two candidates receiving the most votes shall serve for four  
21 years, and the candidate receiving the third-highest number of votes  
22 shall serve for two years. If the first election takes place in an  
23 even-numbered year, the two candidates receiving the most votes shall  
24 serve for three years, and the candidate receiving the third-highest  
25 number of votes shall serve for one year. Successors shall be elected  
26 for ~~((three-year))~~ four-year terms.

27 Vacancies in the office of appointed supervisors shall be filled  
28 by the state conservation commission. Vacancies in the office of  
29 elected supervisors shall be filled by appointment made by the  
30 remaining supervisors for the unexpired term.

31 A majority of the supervisors shall constitute a quorum and the  
32 concurrence of a majority is required for any official action or  
33 determination.

34 Supervisors shall serve without compensation, but they shall be  
35 entitled to expenses, including traveling expenses, necessarily  
36 incurred in discharge of their duties. A supervisor may be removed by  
37 the state conservation commission upon notice and hearing, for  
38 neglect of duty or malfeasance in office, but for no other reason.

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

1        NEW SECTION.    **Sec. 3.**    The changes made in this act to the term  
2 lengths and election dates for supervisors apply to supervisors who  
3 serve in that position on the effective date of this section in the  
4 following manner:

5        (1) A supervisor serving on the effective date of this section  
6 shall continue to serve the term length for which the supervisor was  
7 elected or appointed, except as provided in subsections (2) and (3)  
8 of this section.

9        (2) Whenever, as a result of the application of the portion of  
10 this act that moves supervisor elections to a designated month in  
11 odd-numbered years, the term of an elected supervisor expires before  
12 the supervisor can be reelected or replaced in the next election, the  
13 elected supervisor shall continue to serve until a successor is  
14 elected and qualified.

15        (3) An appointed supervisor whose term is scheduled to expire in  
16 an even-numbered year shall continue to serve one additional year  
17 until the supervisor is reappointed to a new four-year term or  
18 replaced.

19        **Sec. 4.**    RCW 29A.04.330 and 2015 c 146 s 2 are each amended to  
20 read as follows:

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

24        This section shall not apply to:

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

26        (b) Public utility districts, conservation districts using RCW  
27 89.08.190 to conduct their elections, or district elections at which  
28 the ownership of property within those districts is a prerequisite to  
29 voting, all of which elections shall be held at the times prescribed  
30 in the laws specifically applicable thereto;

31        (c) Consolidation proposals as provided for in RCW 28A.315.235  
32 and nonhigh capital fund aid proposals as provided for in chapter  
33 28A.540 RCW; and

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

36        (2) The county auditor, as ex officio supervisor of elections,  
37 upon request in the form of a resolution of the governing body of a  
38 city, town, or district, presented to the auditor prior to the  
39 proposed election date, shall call a special election in such city,

1 town, or district, and for the purpose of such special election he or  
2 she may combine, unite, or divide precincts. Such a special election  
3 shall be held on one of the following dates as decided by the  
4 governing body:

5 (a) The second Tuesday in February;

6 (b) The fourth Tuesday in April;

7 (c) The day of the primary election as specified by RCW  
8 29A.04.311; or

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

10 (3) A resolution calling for a special election on a date set  
11 forth in subsection (2)(a) and (b) of this section must be presented  
12 to the county auditor at least sixty days prior to the election date.  
13 A resolution calling for a special election on a date set forth in  
14 subsection (2)(c) of this section must be presented to the county  
15 auditor no later than the Friday immediately before the first day of  
16 regular candidate filing. A resolution calling for a special election  
17 on a date set forth in subsection (2)(d) of this section must be  
18 presented to the county auditor no later than the day of the primary.

19 (4) In addition to subsection (2)(a) through (d) of this section,  
20 a special election to validate an excess levy or bond issue may be  
21 called at any time to meet the needs resulting from fire, flood,  
22 earthquake, or other act of God, except that no special election may  
23 be held between the first day for candidates to file for public  
24 office and the last day to certify the returns of the general  
25 election other than as provided in subsection (2)(c) and (d) of this  
26 section. Such special election shall be conducted and notice thereof  
27 given in the manner provided by law.

28 (5) This section shall supersede the provisions of any and all  
29 other statutes, whether general or special in nature, having  
30 different dates for such city, town, and district elections, the  
31 purpose of this section being to establish mandatory dates for  
32 holding elections.

33 **Sec. 5.** RCW 29A.52.220 and 2013 c 195 s 1 are each amended to  
34 read as follows:

35 (1) No primary may be held for any single position in any  
36 nonpartisan office if, after the last day allowed for candidates to  
37 withdraw, there are no more than two candidates filed for the  
38 position. The county auditor shall as soon as possible notify all the

1 candidates so affected that the office for which they filed will not  
2 appear on the primary ballot.

3 (2) No primary may be held for the office of commissioner of a  
4 park and recreation district (~~or for~~), the office of cemetery  
5 district commissioner, or the office of conservation district  
6 supervisor.

7 (3) Names of candidates for offices that do not appear on the  
8 primary ballot shall be printed upon the general election ballot in  
9 the manner specified by RCW 29A.36.131.

10 **Sec. 6.** RCW 42.17A.010 and 2002 c 43 s 4 are each amended to  
11 read as follows:

12 Elections of conservation district supervisors held pursuant to  
13 chapter 89.08 RCW shall not be considered general or special  
14 elections for purposes of the campaign disclosure and personal  
15 financial affairs reporting requirements of this chapter. (~~Elected~~  
16 ~~conservation~~) Conservation district supervisors elected under  
17 chapter 89.08 RCW are not considered elected officials for purposes  
18 of the annual personal financial affairs reporting requirement of  
19 this chapter.

20 **Sec. 7.** RCW 42.17A.705 and 2017 3rd sp.s. c 6 s 111 are each  
21 amended to read as follows:

22 For the purposes of RCW 42.17A.700, "executive state officer"  
23 includes:

24 (1) The chief administrative law judge, the director of  
25 agriculture, the director of the department of services for the  
26 blind, the secretary of children, youth, and families, the director  
27 of the state system of community and technical colleges, the director  
28 of commerce, the director of the consolidated technology services  
29 agency, the secretary of corrections, the director of ecology, the  
30 commissioner of employment security, the chair of the energy facility  
31 site evaluation council, the director of enterprise services, the  
32 secretary of the state finance committee, the director of financial  
33 management, the director of fish and wildlife, the executive  
34 secretary of the forest practices appeals board, the director of the  
35 gambling commission, the secretary of health, the administrator of  
36 the Washington state health care authority, the executive secretary  
37 of the health care facilities authority, the executive secretary of  
38 the higher education facilities authority, the executive secretary of

1 the horse racing commission, the executive secretary of the human  
2 rights commission, the executive secretary of the indeterminate  
3 sentence review board, the executive director of the state investment  
4 board, the director of labor and industries, the director of  
5 licensing, the director of the lottery commission, the director of  
6 the office of minority and women's business enterprises, the director  
7 of parks and recreation, the executive director of the public  
8 disclosure commission, the executive director of the Puget Sound  
9 partnership, the director of the recreation and conservation office,  
10 the director of retirement systems, the director of revenue, the  
11 secretary of social and health services, the chief of the Washington  
12 state patrol, the executive secretary of the board of tax appeals,  
13 the secretary of transportation, the secretary of the utilities and  
14 transportation commission, the director of veterans affairs, the  
15 president of each of the regional and state universities and the  
16 president of The Evergreen State College, and each district and each  
17 campus president of each state community college;

18 (2) Each professional staff member of the office of the governor;

19 (3) Each professional staff member of the legislature; and

20 (4) Central Washington University board of trustees, the boards  
21 of trustees of each community college and each technical college,  
22 each member of the state board for community and technical colleges,  
23 state convention and trade center board of directors, Eastern  
24 Washington University board of trustees, Washington economic  
25 development finance authority, Washington energy northwest executive  
26 board, The Evergreen State College board of trustees, executive  
27 ethics board, fish and wildlife commission, forest practices appeals  
28 board, forest practices board, gambling commission, Washington health  
29 care facilities authority, student achievement council, higher  
30 education facilities authority, horse racing commission, state  
31 housing finance commission, human rights commission, indeterminate  
32 sentence review board, board of industrial insurance appeals, state  
33 investment board, commission on judicial conduct, legislative ethics  
34 board, life sciences discovery fund authority board of trustees,  
35 state liquor and cannabis board, lottery commission, Pacific  
36 Northwest electric power and conservation planning council, parks and  
37 recreation commission, Washington personnel resources board, board of  
38 pilotage commissioners, pollution control hearings board, public  
39 disclosure commission, public employees' benefits board, recreation  
40 and conservation funding board, salmon recovery funding board,

1 shorelines hearings board, board of tax appeals, transportation  
2 commission, University of Washington board of regents, utilities and  
3 transportation commission, Washington State University board of  
4 regents, (~~and~~) Western Washington University board of trustees, and  
5 supervisors appointed to a conservation district board of directors  
6 that holds its elections under Title 29A RCW.

7 NEW SECTION. **Sec. 8.** A new section is added to chapter 89.08  
8 RCW to read as follows:

9 (1) Appointed supervisors, elected supervisors, and candidates  
10 running for election to a supervisor position in a conservation  
11 district that holds its elections under this chapter must file a  
12 statement of financial affairs for the preceding calendar year or for  
13 that portion of the year served. The statement must include, at a  
14 minimum, information disclosing:

15 (a) Real property interests held by the person;

16 (b) Business interests within the conservation district boundary,  
17 whether owned directly by or in partnership with the person; and

18 (c) Information relating to grants from the conservation district  
19 previously received by the person, if any.

20 (2) The statement of financial affairs under this section must be  
21 filed with the commission:

22 (a) For candidates to elected positions, by the filing deadline;  
23 and

24 (b) For applicants to appointed positions, as part of the  
25 commission's application for appointment.

26 (3) The commission shall design the forms to be used under this  
27 section. The commission may add disclosures to the form in addition  
28 to those specified in this section.

29 (4) All statements of financial affairs under this section must  
30 be posted to the appropriate conservation district's website within  
31 two business days of its receipt by the commission.

32 (5) A person who fails to file a statement of financial affairs  
33 as required by this section shall be subject to a fine in an amount  
34 determined by the commission.

35 (6) The commission may adopt rules to implement this section.

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