

HOUSE BILL REPORT

SSB 5705

As Passed House:

April 8, 2009

Title: An act relating to voting rights in special districts.

Brief Description: Regarding voting rights in special districts.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senator Swecker).

Brief History:

Committee Activity:

Local Government & Housing: 3/23/09, 3/26/09 [DP].

Floor Activity

Passed House: 4/8/09, 98-0.

Brief Summary of Substitute Bill

- Creates a new category of special district consisting of flood control districts located within three or more counties.
- Revises voting and election requirements with respect to flood control districts located within three or more counties.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: Do pass. Signed by 11 members: Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Hinkle, Miloscia, Short, Springer, Upthegrove, White and Williams.

Staff: Thamas Osborn (786-7129)

Background:

State law authorizes the creation and operation of various "special districts" for the purpose of providing diking, drainage, and flood control facilities and services. "Special district" is defined to mean:

- flood control district;

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- diking district;
- drainage district;
- diking, drainage, and/or sewerage improvement district;
- intercounty diking and drainage district; or
- consolidated diking district, drainage district, diking improvement district, and/or drainage improvement district.

The owner of land located in a special district who is a qualified voter of that district may cast two votes at a district election. If multiple undivided interests, other than community property interests, exist in a lot or parcel and no person owns a majority undivided interest, the owners of undivided interests at least equal to a majority interest may designate in writing:

- which owner is eligible to vote and that designated owner may cast two votes; or
- which two owners are eligible to vote and each designated owner may cast one vote.

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

A corporation, partnership, or governmental entity must designate:

- a natural person to cast its two votes; or
- two natural persons to each cast one of their votes.

With limited exceptions, no owner of land may cast more than two votes or have more than two votes cast for him or her in a special district election.

Summary of Bill:

The act creates a new category of special district consisting of those special flood control districts located in three or more counties (three county districts).

All registered voters within a three county district are qualified to vote in elections and each may cast a single vote. Property ownership within a three county district is not a factor with respect to voting rights, thus eligible landowners are not entitled to cast two votes.

An election in a three county district may be held on any date authorized by law and the holding of such election is not limited to the first Tuesday following the first Monday in November in odd-numbered years.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) The purpose of this legislation is to authorize the creation of a special type of flood control district that can include territory in three counties. It addresses the terrible flooding that has occurred several times in recent years along the Chehalis River within Lewis, Thurston, and Mason counties. The flood-prone area within the Chehalis River basin is huge and requires the creation of a flood control district that encompasses a great deal of territory and crosses many jurisdictional boundaries.

A key aspect of the bill is that it allows all registered voters within the district to vote regarding district issues and does not tie voting rights to property ownership. Making voting rights contingent on property ownership presents a logistical nightmare in an extraordinarily large district that includes three counties. The current statutes that control voting in flood control districts are very old and obsolete. These statutes authorize only property owners to vote regarding district matters and thus the statutes need to be changed so as to allow all voters within the district's jurisdiction to have a voice.

(Opposed) None.

Persons Testifying: Ron Averill, Lewis County.

Persons Signed In To Testify But Not Testifying: None.