

# HOUSE BILL REPORT

## HB 1269

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**As Reported by House Committee On:**  
Local Government

**Title:** An act relating to legal entities casting votes in diking districts.

**Brief Description:** Allowing legal entities to cast votes in diking district elections.

**Sponsors:** Representatives Smith, Takko and Upthegrove.

**Brief History:**

**Committee Activity:**

Local Government: 2/1/13, 2/5/13 [DP].

**Brief Summary of Bill**

- Amends voting provisions for diking and related districts by modifying the definition of "qualified voter of a special district."
- Requires legal and governmental entities with voting rights in diking and related districts to register with a diking district in advance of the district's general election.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass. Signed by 7 members: Representatives Takko, Chair; Fitzgibbon, Vice Chair; Taylor, Ranking Minority Member; Kochmar, Assistant Ranking Minority Member; Buys, Crouse and Springer.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Liias.

**Staff:** Ethan Moreno (786-7386).

**Background:**

Diking and Related Districts.

Diking and various other special purpose districts provide diking, drainage, and flood control facilities and services. Among other powers, these "special districts," are authorized to engage in flood control activities, and to operate and maintain improvements and facilities

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necessary to prevent inundation or flooding from rivers, streams, tidal waters, or other waters.

"Special district," for purpose of these diking-related districts, is defined to mean: (1) a diking district; (2) a drainage district; (3) a diking, drainage, and/or sewerage improvement district; (4) an intercounty diking and drainage district; (5) a consolidated diking district, drainage district, diking improvement district, and/or drainage improvement district; or (6) a flood control district.

While separate statutory provisions continue to apply to these special districts and their actions, in 1985 the Legislature adopted standardized provisions governing their creation and operation, including provisions governing their elections.

#### Voting.

Natural persons, corporations or partnerships, and governmental entities are generally eligible to vote in elections for special districts, provided they own land within the district. Lists of presumed eligible voters must be prepared and maintained by the district and provided to the applicable county auditor in accordance with specified requirements.

With limited exceptions, the owner of land located within a special district who is a qualified voter of the special district must receive two votes at any election. If the land owner is a corporation, partnership, or governmental entity, the entity must designate a natural person to cast its two votes, or two natural persons to each cast one of its votes.

Several terms pertaining to voting provisions in special districts are established in statute. Examples include:

- "special district general election" means the election of a special district regularly held on the first Tuesday after the first Monday in February in each even-numbered year at which a member of the special district governing body is regularly elected; and
- "qualified voter of a special district" means a person who is either: (1) a natural person who is a voter under general state election laws, registered to vote in the state for a period of not less than 30 days before the election, and the owner of land located in the special district for a period of not less than 30 days before the election; (2) a corporation or partnership that has owned land located in the special district for a period of not less than 60 days before the election; or (3) the state, its agencies or political subdivisions that own land in the special district or lands proposed to be annexed into the special district.

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#### **Summary of Bill:**

Voting provisions for diking and related "special districts" are modified. A "qualified voter of a special district" is a person or legal entity that has owned land in the district for 30 or more days before the election. This person or legal entity must also be:

- a natural person who is a voter under general state election laws and registered to vote in the state for 30 or more days before the election;
- a natural person who is a registered voter under the general state election laws and registered with the district by a legal owner as the person authorized to cast the entity's votes;
- the state, its agencies, or political subdivisions that own land in the special district or lands proposed to be annexed into the special district; or
- a natural person who is a registered voter under the general state election laws and is an executor, administrator, or guardian for an owner of land within the special district.

Legal entities, including but not limited to all forms of corporations, partnerships, limited liability companies, associations, trusts, estates, and representatives of deceased persons, or governmental entities must designate, by registering with the diking district in advance of the first day of November preceding the special district general election, the natural person who will cast its two votes or the two natural persons to each cast one of its votes.

The list of presumed eligible voters maintained by the special district must include the natural person or persons designated to cast the votes for a legal entity.

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**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 laws of yesterday have not caught up with the reality of today. Currently, people who have their property in a trust are not eligible to vote in diking and related special district elections. This bill seeks to remedy this situation.

In 2012 an Island County diking district conducted an election. Three or four property owners within the district indicated to a private party that they had been denied their constitutional right to vote because their property within the district was held in trust. The Island County Auditor determined that a trust is not a natural person and that the property owners who had properties in trust were ineligible to vote in the election. Eight percent of the parcels in the district are held in trusts. Placing properties in trusts provides the owners with certain estate planning benefits. Persons with property in trusts pay property and district taxes and should be able to vote in diking district elections.

(Opposed) None.

**Persons Testifying:** Representative Smith, prime sponsor; John Shepard, Diking District 1, Island County; and Sharon Vanderslice.

**Persons Signed In To Testify But Not Testifying:** None.