HOUSE BILL 2675

State of Washington 65th Legislature 2018 Regular Session

By Representatives Haler and Hudgins

Read first time 01/12/18. Referred to Committee on Local Government.

- AN ACT Relating to modifying the irrigation district election 1 2 process to correspond with general election laws; amending RCW 87.03.020, 87.03.030, 87.03.032, 87.03.040, 87.03.075, 29A.24.031, 3 87.03.080, 87.03.081, 87.03.847, 87.03.190, 87.03.200, 87.03.675, 4 87.03.740, 87.04.070, 87.19.010, 29A.04.330, 87.28.103, 87.56.010, 5 87.03.470, 87.03.590, 87.22.120, 87.52.030, 87.52.090, 87.53.040, 6 7 87.84.070, and 29A.60.280; and repealing RCW 87.03.031, 87.03.033, 8 87.03.034, 87.03.035, 87.03.085, 87.03.090, 87.03.095, 87.03.100, 87.03.105, and 87.03.110. 9
- 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 11 **Sec. 1.** RCW 87.03.020 and 2007 c 218 s 79 are each amended to 12 read as follows:
- For the purpose of organizing an irrigation district, a petition, signed by the required number of holders of title or evidence of title to land within the proposed district, shall be presented to the board of county commissioners of the county in which the lands, or the greater portion thereof, are situated, which petition shall contain the following:
- 19 (1) A description of the lands to be included in the operation of 20 the district, in legal subdivisions or fractions thereof, and the 21 name of the county or counties in which said lands are situated.

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- (2) The signature and post office address of each petitioner, together with the legal description of the particular lands within the proposed district owned by said respective petitioners.
- (3) A general statement of the probable source or sources of water supply and a brief outline of the plan of improvement, which may be in the alternative, contemplated by the organization of the district.
- (4) A statement of the number of directors, either three or five, desired for the administration of the district and of the name by which the petitioners desire the district to be designated.
 - (5) Any other matter deemed material.

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

The petition must be accompanied by a good and sufficient bond, to be approved by the board of county commissioners, in double the the probable cost of organizing the district, and conditioned that the bondspersons will pay all of the cost in case such organization shall not be effected. Said petition shall be presented at a regular meeting of the said board, or at any special meeting ordered to consider and act upon said petition, and shall be published once a week, for at least two weeks (three issues) before the time at which the same is to be presented, in some newspaper of general circulation printed and published in the county where said petition is to be presented, together with a notice signed by the clerk of the board of county commissioners stating the time of the meeting at which the same will be presented. There shall also be published a notice of the hearing on said petition in a newspaper published at Olympia, Washington, to be designated by the director of ecology from year to year, which said notice shall be published for at least two weeks (three issues) prior to the date of said meeting and shall contain the name of the county or counties and the number of each township and range in which the lands embraced within the boundaries of the proposed district are situated, also the time, place and purpose for said meeting, which said notice shall be signed by the petitioner whose name first appears upon the said petition. If any portion of the lands within said proposed district lie within another county or counties, then the said petition and notice shall be published for the time above provided in one newspaper printed and published in each of said counties. The said notice, together with a map of the district, shall also be served by registered mail at least

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thirty days before the said hearing upon the state director of ecology at Olympia, Washington, who shall, at the expense of the district in case it is later organized, otherwise at the expense of petitioners' bondspersons, make such investigation of the sufficiency of the source and supply of water for the purposes of the proposed district, as he or she may deem necessary, and file a report of his or her findings, together with a statement of his or her costs, with the board of county commissioners at or prior to the time set for said hearing. When the petition is presented, the board of county commissioners shall hear the same, shall receive such evidence as it may deem material, and may adjourn such hearing from time to time, not exceeding four weeks in all, and on the final hearing shall establish and define the boundaries of the district along such lines as in the judgment of the board will best reclaim the lands involved and enter an order to that effect: PROVIDED, That said board shall not modify the boundaries so as to except from the operation of the district any territory within the boundaries outlined in the petition, which is susceptible of irrigation by the same system of works applicable to other lands in such proposed district and for which a water supply is available; nor shall any lands which, in the judgment of said board, will not be benefited, be included within such district; any lands included within any district, which have a partial or full water right shall be given equitable credit therefor in the apportionment of the assessments in this act provided for: AND PROVIDED FURTHER, That any owner, whose lands are susceptible of irrigation from the same source, and in the judgment of the board it is practicable to irrigate the same by the proposed district system, shall, upon application to the board at the time of the hearing, be entitled to have such lands included in the district.

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At said hearing the board shall also give the district a name and shall order by resolution, consistent with procedures under RCW 29A.04.330, that an election be held therein for the purpose of determining whether or not the district shall be organized under the provisions of this act and for the purpose of electing directors.

The ((clerk of the board of county commissioners)) county auditor shall ((then give notice of the election ordered to be held as aforesaid, which)) publish notice of an election to create an irrigation district. The notice shall describe the district boundaries as established, and shall give the name by which said proposed district has been designated, and shall state the purposes

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1 and objects of said election, and shall be published once a week, for at least two weeks (three issues) prior to said election, in a 2 newspaper of general circulation published in the county where the 3 petition aforesaid was presented; and if any portion of said proposed 4 district lies within another county or counties, then said notice 5 6 shall be published in like manner in a newspaper within each of said 7 counties. ((Said election notice shall also require the electors to cast ballots which)) A ballot proposition authorizing the creation of 8 the proposed irrigation district shall be submitted to the qualified 9 voters of the proposed irrigation district. The ballot proposition 10 11 shall contain the words "Irrigation District—Yes," and "Irrigation District—No," and also the names of persons to be voted for as 12 13 directors of the district: PROVIDED, That where in this act 14 publication is required to be made in a newspaper of any county, the 15 same may be made in a newspaper of general circulation in such county, selected by the person or body charged with making the 16 publication and such newspaper shall be the official paper for such 17 18 purpose.

19 **Sec. 2.** RCW 87.03.030 and 1951 c 201 s 1 are each amended to 20 read as follows:

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All elections of irrigation districts, general or special, for any district purpose and in any county of the state shall be called, noticed, and conducted in accordance with ((the laws of the state, specifically relating to irrigation districts)) general election laws under Title 29A RCW. Each special district shall maintain a list of presumed eligible voters and provide a copy of the list and any revised list to the auditor of the county within which all the special district is located, or if the district lies in more than one county, to each auditor of each county, at least sixty-five days before each election.

Sec. 3. RCW 87.03.032 and 2013 c 23 s 482 are each amended to read as follows:

The notice of election shall conform to the requirements for election notices provided by Title ((87)) 29A RCW for the election being held((, and shall specify in addition that any qualified district elector who certifies that he or she cannot conveniently be present at his or her proper election precinct on the day of election may vote by absentee ballot, and that a ballot and form of

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1 certificate of qualifications will be furnished to him or her on written request being made of the district's secretary. The requisite 2 ballot and a form of certificate of qualifications shall be furnished 3 by the district's secretary to any person who prior to the date of 4 election makes written request therefor, stating that he or she is a 5 6 qualified district elector. Such ballot and form may be furnished also to qualified district electors in any way deemed to be 7 8 convenient without regard to requests having been made therefor)) except as expressly provided for under this title. 9

10 **Sec. 4.** RCW 87.03.040 and 1955 c 57 s 3 are each amended to read 11 as follows:

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((The board of county commissioners shall meet on the second Monday after the election and canvass the returns, and if it appears that)) After an election conducted pursuant to RCW 87.03.020, the <u>irrigation district shall be created if</u> at least two-thirds of all the votes cast are in favor of the district the board shall by an order declare the district duly organized and shall declare the qualified persons receiving the highest number of votes to be duly elected directors, and shall cause a certified copy of the order to be filed for record in the offices of the auditor and assessor of each county in which any portion of the district is situated. From the date of the filing the organization of the district shall be complete and the directors may, upon qualifying, enter immediately upon the duties of their office, and shall hold office until their successors are elected and qualified. Upon filing the order, the county assessor shall write the name of the district on the permanent tax roll in a column provided for that purpose opposite each description of land in the district. Such column shall be carried forward each year on the current tax roll. In the event of a change in the boundaries of a district, the assessor shall note it in the column upon the tax roll. If the irrigation district is organized, the county or counties may charge the irrigation district for the costs of the county auditor or auditors related to the election to authorize the creation of the irrigation district. For any subsequent elections, the irrigation district shall reimburse all costs incurred by the county auditor related to such elections, consistent with RCW

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1 **Sec. 5.** RCW 87.03.075 and 2013 c 23 s 485 are each amended to 2 read as follows:

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Voting in an irrigation district shall be by ballot. Ballots shall be of uniform size and quality, ((provided by the district, and)) and meet the requirements set forth under chapter 29A.36 RCW. For the election of directors, the ballot shall contain only the names of the candidates who have filed with the ((secretary of the district)) county auditor pursuant to RCW 29A.24.070, a declaration in writing of their candidacy, or who has filed with the secretary of the district a petition of nomination as hereinafter provided, not later than ((five o'clock p.m. on the first Monday in November)) the time provided for under RCW 29A.24.050. Ballots shall contain space for ((sticker voting or for)) the writing in of the name of an undeclared candidate. Ballots shall be issued ((by the election board)) according to the number of votes an elector is entitled to cast. A person filing a declaration of candidacy, or petition of nomination as hereinafter provided, shall designate therein the position for which he or she is a candidate. No ballots on any form other than the official form shall be received or counted.

In any election for directors where the number of votes which may be received will have no bearing on the length of the term to be served, the candidates for the position of director, in lieu of filing a declaration of candidacy hereunder, shall file with the secretary of the district a petition of nomination signed by at least ten qualified electors of the district, or of the division if the district has been divided into director divisions, not later than ((five o'clock p.m. on the first Monday in November)) the time provided for under RCW 29A.24.050. If, after the expiration of the date for filing petitions of nomination, it appears that only one qualified candidate has been nominated thereby for each position to be filled it shall not be necessary to hold an election, and the board of directors shall at their next meeting declare such candidate elected as director. The secretary shall immediately make and deliver to such person a certificate of election signed by him or her and bearing the seal of the district. The procedure set forth in this paragraph shall not apply to any other irrigation district elections.

37 **Sec. 6.** RCW 29A.24.031 and 2013 c 11 s 31 are each amended to 38 read as follows:

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A candidate who desires to have his or her name printed on the ballot for election to an office other than president of the United States, vice president of the United States, or an office for which ownership of property is a prerequisite to voting shall complete and file a declaration of candidacy except as provided under RCW 87.03.075. The secretary of state shall adopt, by rule, a declaration of candidacy form for the office of precinct committee officer and a separate standard form for candidates for all other offices filing under this chapter. Included on the standard form shall be:

- (1) A place for the candidate to declare that he or she is a registered voter within the jurisdiction of the office for which he or she is filing, and the address at which he or she is registered;
- 13 (2) A place for the candidate to indicate the position for which 14 he or she is filing;
- 15 (3) A place for the candidate to state a party preference, if the 16 office is a partisan office;
 - (4) A place for the candidate to indicate the amount of the filing fee accompanying the declaration of candidacy or for the candidate to indicate that he or she is filing a filing fee petition in lieu of the filing fee under RCW 29A.24.091;
 - (5) A place for the candidate to sign the declaration of candidacy, stating that the information provided on the form is true and swearing or affirming that he or she will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

In the case of a declaration of candidacy filed electronically, submission of the form constitutes agreement that the information provided with the filing is true, that he or she will support the Constitutions and laws of the United States and the state of Washington, and that he or she agrees to electronic payment of the filing fee established in RCW 29A.24.091.

The secretary of state may require any other information on the form he or she deems appropriate to facilitate the filing process.

- **Sec. 7.** RCW 87.03.080 and 2013 c 23 s 486 are each amended to read as follows:
- ((An)) The election of directors in an irrigation district shall be held ((on the second Tuesday of December of each year)) consistent with RCW 29A.04.311, 29A.04.321, 29A.04.330, and chapter 29A.52 RCW, and the term of each director shall be three years from the first

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((Tuesday of January)) day of the commencement of his or her term 1 or her election. The directors elected at the 2 following his organization election shall serve until their successors are elected 3 and qualified. At the first annual election occurring thirty days or 4 more after the date of the order establishing the district, there 5 6 shall be elected directors to succeed those chosen at the organization election. If the board consists of three directors the 7 candidate receiving the highest number of votes shall serve a term of 8 three years; the next highest, two years; and the next highest, one 9 year. In case of five directors, the two candidates receiving the 10 11 highest number of votes shall each serve a term of three years; the 12 next two highest, two years; and the next highest, one year; or until successors are elected and qualified. In case of seven directors, the 13 three candidates receiving the highest number of votes shall each 14 serve a term of three years, the next two highest, two years, and the 15 16 next two highest, one year, or until their successors are elected and 17 qualified. Whenever a district with three directors desires to increase the number of its directors to five directors or whenever a 18 district with five directors desires to increase the number of its 19 directors to seven directors, the board of directors, acting on its 20 21 own initiative or on the written petition of at least twenty electors the district, shall, consistent with procedures under RCW 22 29A.04.330, request that the county auditor submit the question to 23 the electors of the district at a regular or special district 24 25 election. In the event the electors by a majority of the votes cast favor an increase in the number of directors, there shall be elected 26 at the next annual district election two additional directors. The 27 person receiving the highest number of votes shall serve for a three 28 29 year term and the next highest, a two year term.

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

Sec. 8. RCW 87.03.081 and 2013 c 23 s 487 are each amended to read as follows:

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A vacancy in the office of director shall be filled by appointment by the board of county commissioners of the county in which the proceedings for the organization of the district were had. At the next annual election occurring thirty days or more after the

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date of the appointment, a successor shall be elected who shall take office ((on the first Tuesday in January following)) immediately after December 31st following the election, consistent with RCW 29A.60.280, and shall serve for the remainder of the unexpired term.

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A director appointed to fill a vacancy occurring after the expiration of the term of a director shall serve until his or her successor is elected and qualified. At the next election of directors occurring thirty days or more after the appointment, a successor shall be elected who shall take office ((on the first Tuesday in January next)) pursuant to timelines established under RCW 29A.60.280 and shall serve for the term for which he or she was elected.

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

Sec. 9. RCW 87.03.847 and 1993 c 235 s 3 are each amended to read as follows:

If, following the public hearing conducted under RCW 87.03.845, the board of directors of the major irrigation district denies the request for a merger, no further action shall be taken on the request. If, following the public hearing, the board adopts a resolution approving the merger, the merger is approved by the major irrigation district and no election shall be held in the major district to approve the merger. However, if the holders of title or evidence of title to at least twenty percent of the assessed lands within the major district file a protest opposing the merger with the board of the major district at or before the public hearing, the board shall request, consistent with procedures under RCW 29A.04.330, that the county auditor call a special election and submit to the voters of the major district the question of whether the merger should or should not be approved. Votes shall be cast as "Merger -Yes" or "Merger - No." If such a special election must be conducted and a majority of all votes cast in the district approve the merger, the merger is approved by the major district. Such an approval is effective on the date the returns of the election are canvassed under ((RCW 87.03.105)) chapter 29A.60 RCW.

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- 1 (2) The board of directors of the minor irrigation district shall, within thirty days of the date the merger is approved by the 2 major district or of the date the board of the major district issues 3 its <u>resolution</u> requesting that the county auditor call for a special 4 election on the merger, request, consistent with RCW 29A.04.330, that 5 б the county auditor call a special election within the minor district and submit to the voters of the minor district the question of 7 whether the merger should or should not be approved. ((\frac{\frac{1}{2}}{2})) The 8 special elections must be conducted in both districts, both elections 9 shall be conducted on the date consistent with RCW 29A.04.330, set by 10 the board of the major district. If only the minor district must 11 conduct such a special election, the election shall be held ((not 12 later than sixty days)) as soon as practicable thereafter, and 13 consistent with RCW 29A.04.330, after the date the merger has been 14 approved by the board of the major district. Votes on the question 15 16 shall be cast as "Merger - Yes" or "Merger - No." If a majority of 17 all votes cast in the district are cast for "Merger - Yes," the merger is approved by the minor irrigation district. Such an approval 18 19 is effective on the date the returns of the election are canvassed under ((RCW 87.03.105)) chapter 29A.60 RCW. 20
 - (3) Notice of election in each district on the merger question shall conform to the requirements of notices for elections in the major district. Elections and voting in each district shall be consistent with RCW 87.03.045, 87.03.051, and 87.03.071. If the majority of all votes cast in a special election in either the major or a minor district are cast for "Merger No," the merger is not approved.

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(4) If the merger is approved by the major irrigation district and by the minor irrigation district as provided by this section, the minor irrigation district is merged into the major irrigation district. If two or more minor districts are merging with a major district in one process as authorized by RCW 87.03.855 and if the merger is approved by the major irrigation district and by at least one of the minor irrigation districts as provided by this section, each minor irrigation district so approving is merged into the major irrigation district. The effective date of the merger is the date by which approval of the merger has been secured in both districts or, under RCW 87.03.855, in the major and minor district or districts. The board or boards of county commissioners of the county or counties containing territory of the merged districts and the director of the

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- 1 department of ecology shall be notified that the districts have 2 merged.
- 3 **Sec. 10.** RCW 87.03.190 and 1923 c 138 s 7 are each amended to 4 read as follows:

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Upon receipt of said findings the district board shall thereupon finally determine the plan of development and estimate and determine the amount of money to be raised and shall immediately thereafter request that the county auditor call a special election as provided by law and consistent with procedures under RCW 29A.04.330.

- 10 **Sec. 11.** RCW 87.03.200 and 2003 c 53 s 411 are each amended to 11 read as follows:
 - (1) At the election provided for in RCW 87.03.190, there shall be electors of the district possessing the submitted to the qualifications prescribed by law the question of whether or not the bonds of the district in the amount and of the maturities determined by the board of directors shall be issued. Bonds issued under the provisions of this act shall be serial bonds payable in legal currency of the United States in such series and amounts as shall be determined and declared by the board of directors in the resolution calling the election: PROVIDED, That the first series shall mature not later than ten years and the last series not later than forty years from the date thereof: PROVIDED FURTHER, That bonds, authorized by a special election held in the district under the provisions of a former statute, which has subsequent to the authorization been amended, but not issued prior to the amendment of the former statute, may be issued in the form provided in the former statute, and any such bonds heretofore or hereafter so issued and sold are hereby confirmed and validated.

Notice of such bond election must be given by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least two weeks (three times). Such notices must specify the time of holding the election, and the amount and maturities of bonds proposed to be issued; and the election must be held and the results thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of law governing the election of the district officers: PROVIDED, That no informality in conducting such election shall invalidate the same, if

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the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds Yes" and "Bonds No," or words equivalent thereto. If a majority of the votes cast are cast "Bonds Yes," the board of directors shall thereupon have authority to cause bonds in such amount and maturities to be issued. If the majority of the votes cast at any bond election are "Bonds No," the result of such election shall be so declared and entered of record; but if contract is made or is to be made with the United States as in RCW 87.03.140 provided, and bonds are not to be deposited with the United States in connection with such contract, the question submitted at such special election shall be whether contract shall be entered into with the United States. The notice of election shall state under the terms of what act or acts of congress contract is proposed to be made, and the maximum amount of money payable to the United States for construction purposes exclusive of penalties and interest. The ballots for such election shall contain the words "Contract with the United States Yes" and "Contract with the United States No," or words equivalent thereto. And whenever thereafter the board, in its judgment, deems it for the best interest of the district that the question of issuance of bonds for such amount, or any amount, or the question of entering into a contract with the United States, shall be submitted to the electors, it shall so declare, by resolution recorded in its minutes, and may thereupon request, consistent with RCW 29A.04.330, that the county auditor submit such question to the electors in the same manner and with like effect as at such previous election.

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(2) All bonds issued under this act shall bear interest at such rate or rates as the board of directors may determine, payable semiannually on the first day of January and of July of each year. The principal and interest shall be payable at the office of the county treasurer of the county in which the office of the board of directors is situated, or if the board of directors shall so determine at the fiscal agency of the state of Washington in New York City, the place of payment to be designated in the bond. The bonds may be in such denominations as the board of directors may in its discretion determine, except that bonds other than bond number one of any issue shall be in a denomination that is a multiple of one hundred dollars. Such bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030. The bonds shall be negotiable in form, signed by the president and secretary,

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and the seal of the district shall be affixed thereto. The printed, engraved, or lithographed facsimile signatures of the president and secretary of the district's board of directors shall be sufficient signatures on the bonds or any coupons: PROVIDED, That such facsimile signatures on the bonds may be used only after the filing, by the officer whose facsimile signature is to be used, with the secretary of state of his or her manual signature certified by him or her under oath, whereupon that officer's facsimile signature has the same legal effect as his or her manual signature: PROVIDED, FURTHER, That either the president of the board of directors' or the secretary's signature on the bonds shall be manually subscribed: AND PROVIDED FURTHER, That whenever such facsimile reproduction of the signature of any officer is used in place of the manual signature of such officer, the district's board of directors shall specify in a written order or requisition to the printer, engraver, or lithographer the number of bonds or any coupons upon which such facsimile signature is to be printed, engraved, or lithographed and the manner of numbering the bonds or any coupons upon which such signature shall be placed. Within ninety days after the completion of the printing, engraving, or lithographing of such bonds or any coupons, the plate or plates used for the purpose of affixing the facsimile signature shall be destroyed, and it shall be the duty of the district's board of directors, within ninety days after receipt of the completed bonds or any coupons, to ascertain that such plate or plates have been destroyed. Every printer, engraver, or lithographer who, with the intent to defraud, prints, engraves, or lithographs a facsimile signature upon any bond or any coupon without written order of the district's board of directors, or fails to destroy such plate or plates containing the facsimile signature upon direction of such issuing authority, is guilty of a class B felony punishable according to chapter 9A.20 RCW.

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(3) Whenever the electors shall vote to authorize the issuance of bonds of the district such authorization shall nullify and cancel all unsold bonds previously authorized, and if the question is submitted to and carried by the electors at the bond election, any bond issue may be exchanged in whole or in part, at par, for any or all of a valid outstanding bond issue of the district when mutually agreeable to the owner or owners thereof and the district, and the amount of the last bond issue in excess, if any, of that required for exchange purposes, may be sold as in the case of an original issue. The bonds

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1 of any issue authorized to be exchanged in whole or in part for outstanding bonds shall state on their face the amount of such issue 2 so exchanged, and shall contain a certificate of the treasurer of the 3 district as to the amount of the bonds exchanged, and that the 4 outstanding bonds have been surrendered and canceled: PROVIDED 5 6 FURTHER, That where bonds have been authorized and unsold, the board of directors may request, consistent with procedures under RCW 7 29A.04.330, that the county auditor submit to the qualified voters of 8 the district the question of canceling the previous authorization, 9 which question shall be submitted upon the same notice and under the 10 11 same regulations as govern the submission of the original question of 12 authorizing a bond issue. At such election the ballots shall contain the words "Cancellation Yes," and "Cancellation No," or words 13 equivalent thereto. If at such election a majority of the votes are 14 "Cancellation Yes," the issue shall be thereby canceled and no bonds 15 16 issued thereunder. Ιf the majority of ballots 17 "Cancellation No," the original authorization shall continue in force with like effect as though the cancellation election had not been 18 19 held: PROVIDED, That bonds deposited with the United States in payment or in pledge may call for the payment of such interest at 20 21 such rate or rates, may be of such denominations, and call for the 22 repayment of the principal at such times as may be agreed upon between the board and the secretary of the interior. 23

(4) Each issue shall be numbered consecutively as issued, and the bonds of each issue shall be numbered consecutively and bear date at the time of their issue. The bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030. The bonds shall express upon their face that they were issued by authority of this act, stating its title and date of approval, and shall also state the number of issue of which such bonds are a part. In case the money received by the sale of all bonds issued be insufficient for the completion of plans of the canals and works adopted, and additional bonds be not voted, or a contract calling for additional payment to the United States be not authorized and made, as the case may be, it shall be the duty of the board of directors to provide for the completion of the plans by levy of assessments therefor. It shall be lawful for any irrigation districts which have heretofore issued and sold bonds under the law then in force, to issue in place thereof an amount of bonds not in excess of such previous issue, and to sell the same, or any part thereof, as

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hereinafter provided, or exchange the same, or any part thereof, with 1 the owners of such previously issued bonds which may be outstanding, 2 upon such terms as may be agreed upon between the board of directors 3 of the district and the holders of such outstanding bonds: PROVIDED, 4 That the question of such reissue of bonds shall have been previously 5 б voted upon favorably by the legally qualified electors of such 7 district, in the same manner as required for the issue of original bonds, and the board shall not exchange any such bonds for a less 8 amount in par value of the bonds received; all of such old issue in 9 place of which new bonds are issued shall be destroyed whenever 10 11 lawfully in possession of the board. Bonds issued under the 12 provisions of this section may, when so authorized by the electors, include a sum sufficient to pay the interest thereon for a period not 13 14 exceeding the first four years. Whenever an issue of bonds shall have been authorized pursuant to law, and any of the earlier series shall 15 16 have been sold, and the later series, or a portion thereof, remain 17 unsold, the directors may sell such later series pursuant to law, or such portion thereof as shall be necessary to pay the earlier series, 18 or the directors may exchange the later series for the earlier series 19 at not less than the par value thereof, the sale or exchange to be 20 21 made not more than six months before the maturity of the earlier series and upon the exchange being made the maturing bonds shall be 22 disposed of as hereinbefore provided in the case of bonds authorized 23 24 to be exchanged in whole or in part for outstanding bonds.

(5) Notwithstanding subsections (1) through (4) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

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28 **Sec. 12.** RCW 87.03.675 and 1921 c 129 s 41 are each amended to 29 read as follows:

If the assent aforesaid of the holders of said bonds be filed and entered of record as aforesaid, and if there be objections presented by any person showing cause as aforesaid, which have not been withdrawn, then the board may ((order)) request, consistent with procedures under RCW 29A.04.330, an election to be held in each district to determine whether an order shall be made excluding said land from said district, or excluding said former district from said consolidated district, as the case may be, and such former district be reestablished, as mentioned in said resolution. The notice of such election shall describe the boundary of all lands, or shall give the

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1 corporate name and number of the former district, which it is proposed to exclude, and such notice shall be published for at least 2 two weeks prior to such election, in a newspaper published within the 3 county where the office of the board of directors is situated; and if 4 any portion of such territory to be excluded lie within another 5 6 county or counties, then said notice shall be so published in a newspaper published within each of such counties. ((Such notice shall 7 require the electors to cast ballots, which)) At such election the 8 shall contain the words "For exclusion" 9 and exclusion", or words equivalent thereto. Such election shall be 10 11 conducted in the manner prescribed in this chapter for the holding of 12 special elections on the issuance of bonds. In every case where the petition is for the exclusion of a former district from a 13 consolidated district the resolution of the board ordering 14 election shall provide for the holding of such election separately in 15 16 the territory comprising such former district and in the territory 17 comprising that portion of the consolidated district not included in 18 such former district, and for canvassing and counting of the votes 19 cast at such election separately.

20 **Sec. 13.** RCW 87.03.740 and 1957 c 94 s 14 are each amended to 21 read as follows:

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

Sec. 14. RCW 87.04.070 and 1961 c 192 s 7 are each amended to read as follows:

At the hearing or adjournments thereof, which shall not be for more than sixty days in all, the board of county commissioners shall consider the petition and shall hear electors of the district for or against the division or redivision of director divisions and recommendations for the manner in which division should be made. If the board deems it against the best interests of the district to divide the district into director divisions or to redivide existing

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1 divisions, it shall order the petition rejected, but if it deems it for the best interests of the district that the petition be granted, 2 and if no elector of the district files cause in writing at said 3 hearing why the petition should not be granted, or if having filed 4 said cause in writing withdraws the same, the board shall enter an 5 6 order dividing or redividing the district into the same number of director divisions as there are directors of the district, and 7 designating the divisions and describing the boundaries thereof. The 8 division to be made shall be such as the commissioners consider fair 9 and equitable to the electors of the district. A copy of the 10 commissioners' order shall be filed for record, without charge, with 11 12 the auditor of each county in which any part of the district is situated, and thereafter the directors shall be elected or appointed 13 14 as provided in this chapter. If any elector shall appear in person at said hearing and shall file cause in writing as aforesaid why the 15 16 petition should not be granted and shall not withdraw the same, and 17 if the board nevertheless deems it for the best interests of the district that the petition be granted, the board shall adopt a 18 resolution to that effect and shall ((order)) request, consistent 19 with procedures under RCW 29A.04.330, that the county auditor call an 20 election ((held)) within the district on whether the district should 21 be divided into director divisions or its existing director divisions 22 be redivided, and shall ((fix the time thereof and)) cause notice to 23 be published. The notice shall be given and the election conducted in 24 25 the manner as for special elections on a bond issue of the district. 26 The notice shall state the general plan of division or redivision but need not describe with particularity the boundaries of the proposed 27 28 division or redivision. Such boundaries shall be described on the ballot. If the majority of votes cast at the election are in favor of 29 dividing or redividing the district into director divisions, the 30 31 board of county commissioners shall enter an order dividing redividing the district into the same number of director divisions as 32 there are directors of the district, and designating the divisions 33 and designating the boundaries thereof. If a majority of the votes 34 cast are against division or redivision into director districts, the 35 36 board shall order the petition denied.

37 **Sec. 15.** RCW 87.19.010 and 1983 c 167 s 227 are each amended to 38 read as follows:

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1 Whenever the board of directors of any irrigation district shall deem it for the best interest of said district that any or all 2 outstanding bonds of said district be refunded, they shall so declare 3 by resolution duly adopted and recorded in the minutes of said board 4 and shall, with the written approval of the state director of the 5 6 department of ecology, ((submit)) request, consistent with procedures under RCW 29A.04.330, the county auditor to submit the question to 7 the legally qualified electors of said district at a general election 8 or at a special election called for that purpose and if a majority of 9 said electors voting at said election vote in favor thereof the 10 11 directors of said district shall issue and exchange said bonds for 12 those outstanding, or sell said bonds and retire said outstanding bonds. The bonds may be issued and sold in accordance with chapter 13 14 39.46 RCW.

- 15 **Sec. 16.** RCW 29A.04.330 and 2015 c 146 s 2 are each amended to 16 read as follows:
- 17 (1) All city, town, and district general elections shall be held 18 throughout the state of Washington on the first Tuesday following the 19 first Monday in November in the odd-numbered years.

This section shall not apply to:

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- (a) Elections for the recall of any elective public officer;
- (b) Public utility districts, conservation districts, or district elections other than for irrigation districts 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;
 - (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
- 30 (d) Special flood control districts consisting of three or more 31 counties.
 - (2) 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:

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(a) The second Tuesday in February;

- (b) The fourth Tuesday in April;
- 3 (c) The day of the primary election as specified by RCW 4 29A.04.311; or
 - (d) The first Tuesday after the first Monday in November.
- (3) A resolution calling for a special election on a date set forth in subsection (2)(a) and (b) of this section must be presented to the county auditor at least sixty days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)(c) of this section must be presented to the county auditor no later than the Friday immediately before the first day of regular candidate filing. A resolution calling for a special election on a date set forth in subsection (2)(d) of this section must be presented to the county auditor no later than the day of the primary.
 - (4) In addition to subsection (2)(a) through (d) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in subsection (2)(c) and (d) of this section. Such special election shall be conducted and notice thereof given in the manner provided by law.
 - (5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.
- **Sec. 17.** RCW 87.28.103 and 2013 c 177 s 11 are each amended to 30 read as follows:

When the directors of the district have decided to issue revenue bonds as herein provided, they shall request, consistent with procedures under RCW 29A.04.330, that the county auditor call a special election in the irrigation district at which election shall be submitted to the electors thereof possessing the qualifications prescribed by law the question whether revenue bonds of the district in the amount and payable according to the plan of payment adopted by the board and for the purposes therein stated shall be issued. The election shall be called, noticed, conducted, and canvassed in the

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- 1 same manner as provided by law for irrigation district elections to
- 2 authorize an original issue of bonds payable from revenues derived
- 3 from annual assessments upon the real property in the district:
- 4 PROVIDED, That the board of directors shall have full authority to
- 5 issue revenue bonds as herein provided payable within a maximum
- 6 period of forty years without a special election.
- 7 **Sec. 18.** RCW 87.56.010 and 1988 c 127 s 63 are each amended to 8 read as follows:

9 In all instances where fifty percent of the acreage within an 10 irrigation district has been sold to the district on account of delinquent district assessments, and more than one year has elapsed 11 since the sale of said property to the district without redemption by 12 the owners thereof, and the district is unable to raise sufficient 13 revenue to meet its obligations when the same become due and payable, 14 15 such district shall be deemed insolvent and the district board shall have authority to request, consistent with procedures under RCW 16 29A.04.330, that the county auditor call an election in the district 17 to determine whether the district shall discontinue operation and 18 dissolve: PROVIDED, That in case there are bonds of the district 19 20 outstanding, written consent of the holders of at least fifty-one percent in amount of such outstanding bonds shall be obtained by the 21 district board before calling said election: PROVIDED, FURTHER, That 22 if any portion of such outstanding bonds are owned by the state of 23 24 Washington the board of directors of such district shall give written 25 notice to the director of ecology of the intention of the board of directors to call such election, and unless the director of ecology 26 27 shall sign written objection to the calling of such election within ten days after the giving of such notice the state shall be deemed as 28 29 consenting thereto.

- 30 Said election shall be called, shall be conducted and the results 31 canvassed in the same manner substantially provided by law for a bond 32 election in the district.
- 33 **Sec. 19.** RCW 87.03.470 and 1983 c 167 s 220 are each amended to read as follows:
- 35 (1) The board of directors may, at any time when in their 36 judgment it may be advisable, <u>request</u>, <u>consistent with procedures</u> 37 <u>under RCW 29A.04.330</u>, that the <u>county auditor</u> call a special election 38 and submit to the qualified electors of the district the question

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whether or not a special assessment shall be levied for the purpose 1 of raising money to be applied to any of the purposes provided in 2 this chapter including any purpose for which the bonds of the 3 district or the proceeds thereof might be lawfully used. Such 4 election must be called upon the notice prescribed, and the same 5 б shall be held and the result thereof determined and declared in all 7 respects in conformity with the provisions of RCW 87.03.200. The notice must specify the amount of money proposed to be raised and the 8 purpose for which it is intended to be used and the number of 9 installments in which it is to be paid. At such election the ballot 10 11 shall contain the words "Assessment Yes" and "Assessment No." If the 12 majority of the votes cast are "Assessment Yes" the board may immediately or at intervals thereafter incur indebtedness to the 13 14 amount of said special assessment for any of the purposes for which the proceeds of said assessment may be used, and may provide for the 15 16 payment of said indebtedness by the issue and sale of notes of the 17 district to an amount equal to said authorized indebtedness, which notes shall be payable in such equal installments not exceeding three 18 19 in number as the board shall direct. Said notes shall be payable by assessments levied at the time of the regular annual levy each year 20 21 thereafter until fully paid. The amount of the assessments to be levied shall be ascertained by adding fifteen percent for anticipated 22 delinquencies to the whole amount of the indebtedness incurred and 23 interest. Each assessment so levied shall be computed and entered on 24 25 the assessment roll by the secretary of the board, and collected at 26 the same time and in the same manner as other assessments provided for herein, and when collected shall be paid to the county treasurer 27 of the county to the credit of said district, for the purposes 28 specified in the notice of such special election: PROVIDED, HOWEVER, 29 That the board of directors may at their discretion issue said notes 30 31 in payment for labor or material, or both, used in connection with the purposes for which such indebtedness was authorized. Notes issued 32 under this section shall bear interest at a rate determined by the 33 board, payable semiannually. Such notes may be in any form, including 34 bearer notes or registered notes as provided in RCW 39.46.030. 35

36 (2) Notwithstanding subsection (1) of this section, such notes 37 may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 20. RCW 87.03.590 and 1889-90 p 697 s 54 are each amended to read as follows:

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1 Upon the adoption of the resolution mentioned in RCW 87.03.585, the board shall ((order)) request, consistent with procedures under 2 RCW 29A.04.330, that an election be held within said district, to 3 determine whether the boundaries of the district shall be changed as 4 mentioned in said resolution; and shall fix the time at which such 5 6 election shall be held consistent with RCW 29A.04.330, and shall 7 cause notice thereof to be given and published. Such notice shall be given and published, and such election shall be held and conducted, 8 the returns thereof shall be made and canvassed, and the result of 9 the election ascertained and declared, and all things pertaining 10 11 thereto conducted, in the manner prescribed by this act in case of a 12 special election to determine whether bonds of an irrigation district shall be issued. The ballots cast at said election shall contain the 13 14 words "For change of boundary," or "Against change of boundary," or words equivalent thereto. The notice of election shall describe the 15 proposed change of the boundaries in such manner and terms that it 16 17 can readily be traced.

18 **Sec. 21.** RCW 87.22.120 and 1929 c 120 s 15 are each amended to 19 read as follows:

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Upon final determination of maximum benefits and irrigable acreage aforesaid, the board of directors of the district shall request, consistent with procedures under RCW 29A.04.330, that the county auditor submit to the electors of the district possessing the qualifications prescribed by the irrigation district law the question whether refunding bonds of the district in amount and of the maturity proposed by said board shall be issued and exchanged for outstanding bonds as herein provided.

28 **Sec. 22.** RCW 87.52.030 and 2013 c 23 s 517 are each amended to 29 read as follows:

30 Upon the delivery of said petition the board of directors of said irrigation district shall, at their next succeeding regular monthly 31 meeting, order an election consistent with procedures under RCW 32 29A.04.330, ((the date of which election shall be within twenty days 33 34 from the date of said meeting of the board of directors)) and which election shall be conducted as other elections of irrigation 35 districts are conducted. At said election the qualified electors of 36 said irrigation district shall cast ballots which shall contain the 37 words "Disorganize, Yes," or "Disorganize, No." No person shall be 38

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- 1 entitled to vote at any election held under the provisions of RCW
- 2 87.52.010 through 87.52.060 unless he or she is a qualified voter
- 3 under the election laws of the state, and holds title or evidence of
- 4 title to land in said district.
- 5 **Sec. 23.** RCW 87.52.090 and 1939 c 149 s 3 are each amended to 6 read as follows:
- 7 Upon the delivery of said petition, as aforesaid, the board of
- 8 directors of said district, the secretary thereof, the county
- 9 <u>auditor</u>, and all other officials provided by law, shall call, notice,
- 10 conduct and canvass an election, and if three-fifths of the votes
- 11 cast at said election are in favor of the disorganization of the
- 12 district, shall proceed with the disorganization of the district, all
- 13 in the manner, with the same powers and with the same force and
- 14 effect and in accordance with RCW 87.52.030 through 87.52.060.
- 15 **Sec. 24.** RCW 87.53.040 and 1951 c 237 s 4 are each amended to 16 read as follows:
- 17 The board of commissioners of the county shall at their present
- 18 or next regular meeting, request, consistent with procedures under
- 19 RCW 29A.04.330, that the county auditor call an election to submit to
- 20 the electors of the district the question of whether the district
- 21 shall be so dissolved. They shall direct the auditor to give notice
- 22 of the election ((and shall appoint the election officials)).
- 23 **Sec. 25.** RCW 87.84.070 and 2013 c 23 s 531 are each amended to 24 read as follows:
- The directors shall be empowered to specially assess land located
- 26 in the district for benefits thereto taking as a basis the last
- 27 equalized assessment for county purposes: PROVIDED, That such
- 28 assessment shall not exceed twenty-five cents per thousand dollars of
- 29 assessed value upon such assessed valuation without securing
- 30 authorization by vote of the electors of the district at an election
- 31 called for that purpose.
- 32 The ((board)) county auditor shall give notice of such an
- 33 election, for the time and in the manner and form provided for
- 34 irrigation district elections. The manner of conducting and voting at
- 35 such an election, ((opening and closing polls,)) canvassing the
- 36 votes, certifying the returns, and declaring the result shall be
- 37 nearly as practicable the same as in irrigation district elections.

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

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- 7 **Sec. 26.** RCW 29A.60.280 and 2003 c 111 s 504 are each amended to 8 read as follows:
- 9 (1) The legislature finds that certain laws are in conflict governing the assumption of office of various local officials. The 10 11 purpose of this section is to provide a common date for the assumption of office for all the elected officials of counties, 12 cities, towns, and special purpose districts other than school 13 districts where the ownership of property is not a prerequisite of 14 15 voting. A person elected to the office of school director begins his 16 or her term of office at the first official meeting of the board of directors after certification of the election results. It is also the 17 purpose of this section to remove these conflicts and delete old 18 statutory language concerning such elections which is no longer 19 20 necessary.
 - (2) For elective offices of counties, cities, towns, and special purpose districts other than school districts and irrigation districts where the ownership of property is not a prerequisite of voting, the term of incumbents ends and the term of successors begins after the successor is elected and qualified, and the term commences immediately after December 31st following the election, except as follows:
- 28 (a) Where the term of office varies from this standard according 29 to statute; and
- 30 (b) If the election results have not been certified prior to 31 January 1st after the election, in which event the time of 32 commencement for the new term occurs when the successor becomes 33 qualified in accordance with RCW 29A.04.133.
- 34 (3) For elective offices governed by this section, the oath of 35 office must be taken as the last step of qualification as defined in 36 RCW 29A.04.133 but may be taken either:
- 37 (a) Up to ten days prior to the scheduled date of assuming 38 office; or

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- 1 (b) At the last regular meeting of the governing body of the 2 applicable county, city, town, or special district held before the 3 winner is to assume office.
- 4 <u>NEW SECTION.</u> **Sec. 27.** The following acts or parts of acts are 5 each repealed:
- 6 (1) RCW 87.03.031 (Absentee voting—Certification of inconvenience) and 2013 c 23 s 481 & 1961 c 105 s 2;
- 8 (2) RCW 87.03.033 (Absentee voting—Requirements for ballot to be 9 counted—Statement of qualifications—Form of ballot) and 2013 c 23 s 10 483 & 1961 c 105 s 4;
- 11 (3) RCW 87.03.034 (Absentee voting—How incoming ballots are 12 handled—Canvass—Statement of result of both regular and absentee 13 ballots) and 1961 c 105 s 5;
- 14 (4) RCW 87.03.035 (Elections to form district—How conducted) and 15 1955 c 57 s 2;
- 16 (5) RCW 87.03.085 (Post-organization district elections—Election 17 boards—Notice) and 1987 c 123 s 1, 1984 c 168 s 2, & 1889-90 p 674 s 18 5;
- 19 (6) RCW 87.03.090 (Post-organization district elections—Election 20 officers—Voting hours) and 2013 c 23 s 489, 1931 c 60 s 1, & 1889-90 p 674 s 6;
- 22 (7) RCW 87.03.095 (Post-organization district elections—Counting votes—Record of ballots) and 1889-90 p 675 s 7;
- 24 (8) RCW 87.03.100 (Post-organization district elections— 25 Certification of returns—Preservation for recount) and 2013 c 23 s 26 490, 1981 c 345 s 2, 1981 c 208 s 2, & 1889-90 p 675 s 8;
- 27 (9) RCW 87.03.105 (Post-organization district elections—Canvass)
 28 and 1889-90 p 676 s 9; and
- 29 (10) RCW 87.03.110 (Post-organization district elections— 30 Statement of result of election—Certificate of election) and 2013 c 31 23 s 491, 1913 c 165 s 4, 1895 c 165 s 4, & 1889-90 p 676 s 10.

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