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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)

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

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

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

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

In the case of a new district, the commission shall give due notice to elect the three supervisors. All provisions pertaining to elections on the creation of a district shall govern this election so far as applicable. The names of all nominees shall appear on the ballot in alphabetical order, together with instructions to vote for three. The three candidates receiving the most votes shall be declared elected supervisors((~~, the one receiving the most being elected for a three-year term, the next for two and the last for one year~~)). Terms of office for the initial supervisors are specified in section 2 of this act. An alternate method of dividing the district into three zones may be used when requested by the board of supervisors and approved by the commission. In such case, instructions will be to vote for one in each zone. The candidate receiving the most votes in a zone shall be declared elected.

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

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

Conservation district supervisors may choose to remove the district election from the Title 29A RCW process and revert to the commission election process by a majority vote of the supervisors. Such vote shall not take place until at least six years has passed since the district supervisors have passed a resolution to conduct supervisor elections consistent with Title 29A RCW.

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

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

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

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

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

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

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

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

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

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

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

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

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

This section shall not apply to:

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

(b) Public utility districts, conservation districts using RCW 89.08.190 to conduct their elections, or district elections 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

(d) Special flood control districts consisting of three or more 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:

(a) The second Tuesday in February;

(b) The fourth Tuesday in April;

(c) The day of the primary election as specified by RCW 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.**  RCW 29A.52.220 and 2013 c 195 s 1 are each amended to read as follows:

(1) No primary may be held for any single position in any nonpartisan office if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for the position. The county auditor shall as soon as possible notify all the candidates so affected that the office for which they filed will not appear on the primary ballot.

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

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

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

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

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

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

(1) The chief administrative law judge, the director of agriculture, the director of the department of services for the blind, the secretary of children, youth, and families, the director of the state system of community and technical colleges, the director of commerce, the director of the consolidated technology services agency, the secretary of corrections, the director of ecology, the commissioner of employment security, the chair of the energy facility site evaluation council, the director of enterprise services, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the executive director of the public disclosure commission, the executive director of the Puget Sound partnership, the director of the recreation and conservation office, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, and each district and each campus president of each state community college;

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

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

(4) Central Washington University board of trustees, the boards of trustees of each community college and each technical college, each member of the state board for community and technical colleges, state convention and trade center board of directors, Eastern Washington University board of trustees, Washington economic development finance authority, Washington energy northwest executive board, The Evergreen State College board of trustees, executive ethics board, fish and wildlife commission, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, student achievement council, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, state investment board, commission on judicial conduct, legislative ethics board, life sciences discovery fund authority board of trustees, state liquor and cannabis board, lottery commission, Pacific Northwest electric power and conservation planning council, parks and recreation commission, Washington personnel resources board, board of pilotage commissioners, pollution control hearings board, public disclosure commission, public employees' benefits board, recreation and conservation funding board, salmon recovery funding board, shorelines hearings board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington State University board of regents, ((~~and~~)) Western Washington University board of trustees, and supervisors appointed to a conservation district board of directors that holds its elections under Title 29A RCW.

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

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

(a) Real property interests held by the person;

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

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

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

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

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

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

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

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

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

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