H-1773.1

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**HOUSE BILL 1652**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Dolan, Lekanoff, Shewmake, Fitzgibbon, Goodman, and Tharinger

AN ACT Relating to conservation district elections; and amending RCW 89.08.190, 89.08.200, 29A.04.330, 29A.52.220, and 42.17A.010.

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~~)) four-year term, the next for ((~~two~~)) three and the last for ((~~one year~~)) two years. 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 has 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 the supervisors first appointed shall serve for ((~~one~~)) two and ((~~two~~)) three 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~~)) four years; the next largest ((~~two~~)) three years; and the third largest ((~~one year~~)) two years. 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.

**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. Elections of conservation district supervisors held pursuant to Title 29A RCW are not subject to the campaign disclosure and personal financial affairs reporting requirements of this chapter. Elected conservation district supervisors are not considered elected officials for purposes of the annual personal financial affairs reporting requirement of this chapter.

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