

# HOUSE BILL REPORT

## SHB 1194

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*As Amended by the Senate*

**Title:** An act relating to special districts.

**Brief Description:** Revising and adding provisions on special districts.

**Sponsor(s):** By House Committee on Local Government (originally sponsored by Representatives Zellinsky, Wynne, Cooper, Rayburn, Roland, Wood, Edmondson, Mitchell, Nealey, Bray, Franklin and Haugen).

**Brief History:**

Reported by House Committee on:  
Local Government, March 1, 1991, DPS;  
Passed House, March 14, 1991, 93-0;  
Amended by Senate.

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**HOUSE COMMITTEE ON  
LOCAL GOVERNMENT**

**Majority Report:** *That Substitute House Bill No. 1194 be substituted therefor, and the substitute bill do pass.*  
Signed by 15 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

**Staff:** Bill Lynch (786-7092).

**Background:** Various special districts can be formed that have voting rights restricted to property owners. Some of these special districts can be formed to provide diking and drainage-type improvements and services, flood control, storm water control, and surface water control. These special districts include diking districts, drainage districts, diking improvement districts, drainage improvement districts, and flood control districts.

Concerns have been expressed that few voters realize that they are eligible to vote or seek office in special district elections. Some of the smaller special districts are likewise unaware of their statutory responsibilities in conducting elections. The costs of conducting a special district election are often very

expensive when viewed on a per vote basis. Voter turnout in special districts is also hampered by the requirement that the voting site only needs to be open for two consecutive hours.

Although there are requirements that apply to the filing period, declaration of candidacy, and arrangement of names on the ballot for the initial election of special district governing body members, there are no such requirements for subsequent special district elections.

It is suggested that voter participation would increase and more candidates would file for office if more notice is provided about the filing period. Moving the date of special district elections from December to February might also increase voter awareness and participation because many school districts run levy elections in February. The cost of special district elections would decrease if the district did not have to conduct the election if no one or just one person filed for a position on the special district governing body.

**Summary of Bill:** No election is to be held if no one or only one person files for a position on a governing body of a special district. If only one person files, that person is deemed to have been elected to the position.

The time for holding special district general elections is changed from the second Tuesday in December in each odd-numbered year to the first Tuesday after the first Monday in February in each even-numbered year.

If a special district has at least 500 qualified voters, then the county auditor must publish a notice in a newspaper of general circulation in the district that states the filing period and place for filing a declaration of candidacy to become a member of the governing body. This notice must be published at least seven days before the closing of the filing period. If a special district has less than 500 qualified voters, then the county auditor must mail or deliver this notice to each qualified voter at least seven days prior to the closing of the filing period.

The procedures used for the initial election of members to the governing body regarding the filing period, the method for filing declarations of candidacy, and the method for arranging candidates' names on the ballot also apply to subsequent special district elections.

If a special district has less than 500 qualified voters, then the special district must contract with the county

auditor to conduct the elections. The county auditor has the discretion as to whether to conduct these elections by mail. If a special district has at least 500 qualified voters, then the special district may contract with the county auditor to staff the voting site during the election, or contract with the county auditor to conduct the election by mail, or conduct its own election. A special district that conducts its own election must enter into an agreement with the county auditor that specifies each party's responsibilities. The county auditor is not required to publish notice of any special district election conducted by mail.

The voting scheme in special districts is altered so that each property owner receives two votes at any election. If the property is held in community property, both spouses receive one vote if they are eligible to vote - unless one spouse designates in writing that the other spouse may cast both votes. If multiple undivided interests exist, the owner or owners of undivided interests at least equal to a majority interest cast the votes. A corporation, partnership, or governmental entity may designate a natural person to cast its votes.

The maximum number of votes that a property owner may possess is doubled from 20 to 40 for those special districts that have additional votes based upon the acreage held by the property owner. The three types of districts affected by this change are diking improvement districts, drainage improvement districts, and flood control districts.

The authority of a city or town, that is located outside of a diking or drainage district, to levy assessments on taxable property within the city or town that benefits from the diking or drainage district's facilities is altered so that the city or town may impose assessments on any benefited property in the city or town.

A statute is repealed that appears to grant intercounty diking and drainage districts the authority to impose property taxes. A provision of law relating to diking improvement districts and drainage improvement districts is recodified in the appropriate chapter of laws.

Special districts are also authorized to engage in lake or river restoration, aquatic plant control, and water quality enhancement activities.

**EFFECT OF SENATE AMENDMENT(S):** Vacancies in the governing body of a special district are to be filled by the remaining members of the governing body. If the governing body fails

to appoint someone to fill the vacancy within 60 days, the county legislative authority makes the appointment.

Names of candidates for public utility district office are rotated on the ballot.

The compensation of board members of diking districts; drainage districts; diking, drainage, or sewerage improvement districts; and intercounty diking and drainage districts are increased from \$25 per day to \$50 per day. The compensation may not exceed \$4800 a year.

A water or sewer district with 50 or less residents may pass a resolution authorizing nonresidents who own property within the district, and any domestic corporation or partnership that owns property within the district, to vote and hold office in the district if they owned the property at least 60 days prior to the election. The partnership or corporation is entitled to one vote. A nonresident property owner and an authorized agent of the corporation or partnership must submit a request for an absentee ballot at least 30 days prior to the election in order to vote.

**Fiscal Note:** Requested March 4, 1991.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This will help reduce election costs for these special districts. More people will be encouraged to run for special district office if they are aware of the filing periods and election times. Special district elections will be held more consistently with general election laws with more involvement by the county auditor.

**Testimony Against:** None.

**Witnesses:** (Pro) J. Ward Lawler, Snohomish County Coordinated Diking Council.

**VOTE ON FINAL PASSAGE:**

Yeas 93; Excused 2; Absent 3

Excused: Representatives Casada, Ferguson

Absent: Representatives Anderson, Sommers H, Sprenkle