

SENATE BILL REPORT

SHB 1194

AS REPORTED BY COMMITTEE ON GOVERNMENTAL OPERATIONS,  
APRIL 3, 1991

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

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

HOUSE COMMITTEE ON LOCAL GOVERNMENT

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

**Majority Report:** Do pass as amended.

Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

**Staff:** Rod McAulay (786-7754)

**Hearing Dates:** March 28, 1991; April 3, 1991

**BACKGROUND:**

Various special districts can be formed that have voting rights restricted to property owners. 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:**

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 either staff the voting site during the election, or conduct the election by mail. 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.

A city or town that is located outside of a diking or drainage district may impose assessments on property within the city or town that benefits from the diking or drainage district's facilities.

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

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested

**SUMMARY OF PROPOSED SENATE AMENDMENT:**

Water and sewer districts having 50 or fewer residents may expand their electorate to include nonresident property owners including domestic corporations or partnerships. Domestic corporations or partnerships may receive only one vote and will vote by absentee ballot.

**TESTIMONY FOR:**

General cleanup of special district elections could result in substantial savings in the cost of running elections.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Sam Reed, County Auditors' Association (pro-original bill)