

CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 1194

Chapter 349, Laws of 1991

52nd Legislature
1991 Regular Session

SPECIAL DISTRICTS--ELECTION PROCEDURES

EFFECTIVE DATE: 7/28/91

Passed by the House April 27, 1991
Yeas 98 Nays 0

JOE KING
Speaker of the
House of Representatives

Passed by the Senate April 27, 1991
Yeas 39 Nays 0

JOEL PRITCHARD
President of the Senate

Approved May 21, 1991

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1194** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 21, 1991 - 11:21 a.m.

Secretary of State
State of Washington

SUBSTITUTE HOUSE BILL 1194

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

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

Read first time March 5, 1991.

1 AN ACT Relating to special districts; amending RCW 85.38.010,
2 85.05.015, 86.09.377, 85.38.100, 85.24.250, 85.38.040, 85.38.050,
3 85.38.060, 85.38.070, 85.38.090, 85.38.110, 85.38.120, 85.38.130,
4 85.38.180, 85.05.410, 85.06.380, 85.08.320, 85.24.080, and 86.09.283;
5 adding new sections to chapter 85.38 RCW; adding a new section to
6 chapter 85.08 RCW; recodifying RCW 85.05.015; and repealing RCW
7 85.24.210.

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

9 **Sec. 1.** RCW 85.38.010 and 1986 c 278 s 41 are each amended to read
10 as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section apply throughout this chapter:

13 (1) "Governing body" means the board of commissioners, board of
14 supervisors, or board of directors of a special district.

1 (2) "Owner of land" means the record owner of at least a majority
2 ownership interest in a separate and legally created lot or parcel of
3 land, as determined by the records of the county auditor, except that
4 if the lot or parcel has been sold under a real estate contract, the
5 vendee or grantee shall be deemed to be the owner of such land for
6 purposes of authorizing voting rights. It is assumed, unless shown
7 otherwise, that the name appearing as the owner of property on the
8 property tax rolls is the current owner.

9 (3) "Qualified voter of a special district" means a person who is
10 either: (a) A natural person who is a voter under general state
11 election laws, registered to vote in the state of Washington for a
12 period of not less than ~~((sixty))~~ thirty days before the election, and
13 the owner of land located in the special district for a period of not
14 less than ~~((sixty))~~ thirty days before the election; (b) a corporation
15 or partnership that has owned land located in the special district for
16 a period of not less than sixty days before the election; or (c) the
17 state, its agencies or political subdivisions that own land in the
18 special district or lands proposed to be annexed into the special
19 district except that the state, its agencies and political subdivisions
20 shall not be eligible to vote to elect a member of the governing board
21 of a special district. ~~((If land is owned as community property, both
22 spouses may vote if otherwise qualified. If other multiple undivided
23 interests exist in a lot or parcel, and no person owns a majority
24 undivided interest, the owners of undivided interests at least equal to
25 a majority interest may designate in writing which owner is eligible to
26 vote. A corporation, partnership or governmental entity shall
27 designate a natural person to exercise its voting powers. Except as
28 provided in RCW 85.05.015 and 86.09.377, no owner of land may cast more
29 than one vote, or have more than one vote cast for it, in a special
30 district election.))~~

1 (4) "Special district" means: (a) A diking district; (b) a
2 drainage district; (c) a diking, drainage, and/or sewerage improvement
3 district; (d) an intercounty diking and drainage district; (e) a
4 consolidated diking district, drainage district, diking improvement
5 district, and/or drainage improvement district; or (f) a flood control
6 district.

7 (5) "Special district general election" means the election of a
8 special district regularly held on the (~~second~~) first Tuesday (~~of~~
9 ~~December~~) after the first Monday in February in each (~~odd-numbered~~)
10 even-numbered year at which a member of the special district governing
11 body is regularly elected.

12 NEW SECTION. Sec. 2. A new section is added to chapter 85.38 RCW
13 to read as follows:

14 (1) The owner of land located in a special district who is a qualified
15 voter of the special district shall receive two votes at any election.

16 (2) If multiple undivided interests, other than community property
17 interests, exist in a lot or parcel and no person owns a majority
18 undivided interest, the owners of undivided interests at least equal to
19 a majority interest may designate in writing:

20 (a) Which owner is eligible to vote and may cast two votes; or

21 (b) Which two owners are eligible to vote and may cast one vote
22 each.

23 (3) If land is owned as community property, each spouse is entitled
24 to one vote if both spouses otherwise qualify to vote, unless one
25 spouse designates in writing that the other spouse may cast both votes.

26 (4) A corporation, partnership, or governmental entity shall
27 designate:

28 (a) A natural person to cast its two votes; or

29 (b) Two natural persons to each cast one of its votes.

1 (5) Except as provided in RCW 85.05.015 (as recodified by this act)
2 and 86.09.377, no owner of land may cast more than two votes or have
3 more than two votes cast for him or her in a special district election.

4 **Sec. 3.** RCW 85.05.015 and 1985 c 396 s 21 are each amended to read
5 as follows:

6 Each qualified voter of a diking improvement or drainage
7 improvement district who owns more than ten acres of land within the
8 district shall be entitled to ~~((one))~~ two additional votes for each ten
9 acres or major fraction thereof located within the district, up to a
10 maximum total of ~~((twenty))~~ forty votes for any voter, or in the case
11 of community property, a maximum total of ~~((ten))~~ twenty votes per
12 member of the marital community: PROVIDED, That this additional voting
13 provision shall only apply in districts that were not in operation and
14 did not have improvements as of May 14, 1925.

15 **Sec. 4.** RCW 86.09.377 and 1985 c 396 s 22 are each amended to read
16 as follows:

17 Each qualified voter of a flood control district who owns more than
18 ten acres of land within the district shall be entitled to ~~((one))~~ two
19 additional votes for each ten acres or major fraction thereof located
20 within the district, up to a maximum total of ~~((twenty))~~ forty votes
21 for any voter, or in the case of community property, a maximum total of
22 ~~((ten))~~ twenty votes per member of the marital community.

23 **Sec. 5.** RCW 85.38.100 and 1985 c 396 s 11 are each amended to read
24 as follows:

25 General elections shall be held in each special district on the
26 ~~((second))~~ first Tuesday ~~((in December))~~ after the first Monday in
27 February in each ~~((odd-numbered))~~ even-numbered year. The auditor of

1 the county within which a special district, or the largest portion of
2 a special district, is located may provide for special elections
3 whenever necessary.

4 NEW SECTION. **Sec. 6.** A new section is added to chapter 85.38 RCW
5 to read as follows:

6 No election shall be held to elect a member of a special district
7 governing body, or to fill the remainder of an unexpired term which
8 arose from a vacancy on the governing body, if no one or only one
9 person files for the position.

10 If only one person files for the position, he or she shall be
11 considered to have been elected to the position at the election that
12 otherwise would have taken place for such position.

13 If no one files for the position and the upcoming election is one
14 at which someone would have been elected to fill the expired term, the
15 position shall be treated as vacant at the expiration of the term.

16 If no one files for the position and the upcoming election is one
17 at which someone would have been elected to fill the remaining term of
18 office, the person appointed to fill the vacancy shall be considered to
19 have been elected to the position at the election and shall serve for
20 the remainder of the unexpired term.

21 **Sec. 7.** RCW 85.24.250 and 1973 1st ex.s. c 195 s 119 are each
22 amended to read as follows:

23 Whenever it (~~shall~~) appears to the ((city)) council of any
24 incorporated city or town not included or not wholly included within
25 the limits of any diking or drainage district established hereunder,
26 which incorporated city or town may be within a county in which a
27 portion of such district is located that the construction and
28 maintenance of such diking and drainage system will be beneficial to

1 the health and general welfare of the inhabitants of ((said)) the
2 incorporated city ((and to the general welfare of the said city)) or
3 town, then the city or town council ((of said city is hereby empowered
4 and authorized to)) may appropriate ((such amount of)) money out of the
5 general funds of the city ((as may to the city council seem proper and
6 just)) or town to such diking and drainage system, or the ((city))
7 council may for such purpose ((levy an)) impose assessments upon all
8 the property in ((said)) the city ((subject to taxation by said city,
9 which shall not exceed twelve and one half cents per thousand dollars
10 of assessed value of property)) or town that benefits from facilities
11 and activities of the diking or drainage district, and give the
12 assessments to the diking or drainage district.

13 **Sec. 8.** RCW 85.38.040 and 1985 c 396 s 5 are each amended to read
14 as follows:

15 The county legislative authority shall schedule a public hearing on
16 the proposed special district if the county engineer's report indicates
17 that the proposed projects are feasible. If the engineers of each of
18 the counties within which a proposed special district is located
19 indicate that the proposed projects are feasible, the county
20 legislative authorities shall schedule a joint public hearing on the
21 proposed special district. The county legislative authority may, on
22 its own initiative, schedule a public hearing on the proposed special
23 district if the county engineer's report indicates that the proposed
24 projects are not feasible. The county legislative authorities of
25 counties within which a proposed special district is located may, on
26 their own initiative, schedule a joint public hearing on the proposed
27 special district if one or more of the county engineers' reports
28 indicate that the proposed projects are not feasible.

1 Notice of the public hearing shall be published (~~and posted as~~
2 ~~provided in RCW 85.38.120 for notices of elections. Additional notice~~
3 ~~of the public hearing shall be published~~) in ((the)) a newspaper
4 ((in)) of general circulation within the proposed special district,
5 which notice shall be purchased in the manner of a general
6 advertisement, not to be included with legal advertisements or with
7 classified advertisements. This ((additional)) notice shall be
8 published at least twice, not more than twenty nor less than three days
9 before public hearing. Additional notice shall be made as required in
10 RCW 79.44.040.

11 The notice must contain the following: (1) The date, time, and
12 place of the public hearing; (2) a statement that a particular special
13 district is proposed to be created; (3) a general description of the
14 proposed projects to be completed by the special district; (4) a
15 general description of the proposed special district boundaries; and
16 (5) a statement that all affected persons may appear and present their
17 comments in favor of or against the creation of the proposed special
18 district.

19 **Sec. 9.** RCW 85.38.050 and 1985 c 396 s 6 are each amended to read
20 as follows:

21 The county legislative authority or authorities shall conduct the
22 public hearing at the date, time, and place indicated in the notice.
23 Public hearings may be continued to other dates, times, and places
24 specified by the county legislative authority or authorities before the
25 adjournment of the public hearing. Each county legislative authority
26 may alter those portions of boundaries of the proposed special district
27 that are located within the county, but if territory is added that was
28 not described in the original proposed boundaries, an additional

1 hearing on the proposal shall be held with notice being (~~posted and~~)
2 published as provided in RCW 85.38.040.

3 After receiving the public testimony, the county legislative
4 authority may cause an election to be held to authorize the creation of
5 a special district if it finds:

6 (1) That creation of the special district will be conducive to the
7 public health, convenience and welfare;

8 (2) That the creation of the special district will be of special
9 benefit to a majority of the lands included within the special
10 district; and

11 (3) That the proposed improvements are feasible and economical, and
12 that the benefits of these improvements exceed costs for the
13 improvements.

14 If the proposed special district is located within two or more
15 counties, the county legislative authorities may cause an election to
16 be held to authorize the creation of the special district upon making
17 the findings set forth in subsections (1) through (3) of this section.

18 The county legislative authority or authorities may also choose not
19 to allow such an election to be held by either failing to act or
20 finding that one or more of these factors are not met.

21 **Sec. 10.** RCW 85.38.060 and 1985 c 396 s 7 are each amended to read
22 as follows:

23 The county legislative authority or authorities shall cause an
24 election on the question of creating the special district to be held if
25 findings as provided in RCW 85.38.050 are made. The county legislative
26 authority or authorities shall designate a time and date for such
27 election, which shall be one of the special election dates provided for
28 in RCW 29.13.020, together with the site or sites at which votes may be
29 cast. The persons allowed to vote on the creation of a special

1 district shall be those persons who, if the special district were
2 created, would be qualified voters of the special district as described
3 in RCW 85.38.010. The county auditor or auditors of the counties
4 within which the proposed special district is located shall conduct the
5 election and prepare a list of presumed eligible voters.

6 Notices for the election shall be published ((and posted)) as
7 provided in RCW 85.38.040. The special district shall be created if
8 the proposition to create the special district is approved by a simple
9 majority vote of the voters voting on the proposition and the special
10 district may assume operations whenever the initial members of the
11 governing body are appointed as provided in RCW 85.38.070.

12 Any special district created after July 28, 1985, may only have
13 special assessments measured and imposed, and budgets adopted, as
14 provided in RCW 85.38.140 through 85.38.170.

15 If the special district is created, the county or counties may
16 charge the special district for the costs incurred by the county
17 engineer or engineers pursuant to RCW 85.38.030 and the costs of the
18 auditor or auditors related to the election to authorize the creation
19 of the special district pursuant to this section. Such county actions
20 shall be deemed to be special benefits of the property located within
21 the special district that are paid through the imposition of special
22 assessments.

23 **Sec. 11.** RCW 85.38.070 and 1987 c 298 s 2 are each amended to read
24 as follows:

25 (1) Except as provided in RCW 85.38.090, each special district
26 shall be governed by a three-member governing body. The term of office
27 for each member of a special district governing body shall be six years
28 and until his or her successor is elected and qualified. One member of
29 the governing body shall be elected at the time of special district

1 general elections in each (~~odd-numbered~~) even-numbered year for a
2 term of six years beginning as (~~provided in RCW 29.04.170~~) soon as
3 the election returns have been certified for assumption of office by
4 elected officials of cities.

5 (2) The terms of office of members of the governing bodies of
6 special districts, who are holding office on July 28, 1985, shall be
7 altered to provide staggered six-year terms as provided in this
8 subsection. The member who on July 28, 1985, has the longest term
9 remaining shall have his or her term altered so that the position will
10 be filled at the (~~December, 1991,~~) February 1992, special district
11 general election; the member with the second longest term remaining
12 shall have his or her term altered so that the position will be filled
13 at the December, 1989, special district general election; and the
14 member with the third longest term of office shall have his or her term
15 altered so that the position will be filled at the December, 1987,
16 special district general election.

17 (3) The initial members of the governing body of a newly created
18 special district shall be appointed by the legislative authority of the
19 county within which the special district, or the largest portion of the
20 special district, is located. These initial governing body members
21 shall serve until their successors are elected and qualified at the
22 next special district general election held at least ninety days after
23 the special district is established. At that election the first
24 elected members of the governing body shall be elected. No primary
25 elections may be held. Any voter of a special district may become a
26 candidate for such a position by filing written notice of this
27 intention with the (~~governing body of the special district~~) county
28 auditor at least thirty, but not more than sixty, days before a special
29 district general election. The county auditor in consultation with the
30 special district shall establish the filing period. The names of all

1 candidates for such positions shall be listed alphabetically. At this
2 first election, the candidate receiving the greatest number of votes
3 shall have a six-year term, the candidate receiving the second greatest
4 number of votes shall have a four-year term, and the candidate
5 receiving the third greatest number of votes shall have a two-year term
6 of office. The initially elected members of a governing body shall
7 take office immediately when qualified as defined in RCW 29.01.135.
8 Thereafter the candidate receiving the greatest number of votes shall
9 be elected for a six-year term of office. Members of a governing body
10 shall hold their office until their successors are elected and
11 qualified, and assume office as (~~provided in RCW 29.04.170~~) soon as
12 the election returns have been certified.

13 (4) The requirements for the filing period and method for filing
14 declarations of candidacy for the governing body of the district and
15 the arrangement of candidate names on the ballot for all special
16 district elections conducted after the initial election in the district
17 shall be the same as the requirements for the initial election in the
18 district. No primary elections may be held for the governing body of
19 a special district.

20 (5) Whenever a vacancy occurs in the governing body of a special
21 district, the legislative authority of the county within which the
22 special district, or the largest portion of the special district, is
23 located, shall appoint a district voter to serve until a person is
24 elected, at the next special district general election occurring sixty
25 or more days after the vacancy has occurred, to serve the remainder of
26 the unexpired term. The person so elected shall take office
27 immediately when qualified as defined in RCW 29.01.135.

28 If an election for the position which became vacant would otherwise
29 have been held at this special district election, only one election
30 shall be held and the person elected to fill the succeeding term for

1 that position shall take office immediately when qualified as defined
2 in RCW 29.01.135 and shall serve both the remainder of the unexpired
3 term and the succeeding term. A vacancy occurs upon the death,
4 resignation, or incapacity of a governing body member or whenever the
5 governing body member ceases being a qualified voter of the special
6 district.

7 ~~((+5))~~ (6) An elected or appointed member of a special district
8 governing body, or a candidate for a special district governing body,
9 must be a qualified voter of the special district: PROVIDED, That the
10 state, its agencies and political subdivisions, or their designees
11 under RCW 85.38.010(3) shall not be eligible for election or
12 appointment.

13 **Sec. 12.** RCW 85.38.090 and 1985 c 396 s 10 are each amended to
14 read as follows:

15 (1) Whenever the governing body of a special district has more than
16 three members, the governing body shall be reduced to three members as
17 of January 1, 1986, by eliminating the positions of those district
18 governing body members with the shortest remaining terms of office.
19 The remaining three governing body members shall have staggered terms
20 with the one having the shortest remaining term having his or her
21 position filled at the 1987 special district general election, the one
22 with the next shortest remaining term having his or her position filled
23 at the 1989 special district general election, and the one with the
24 longest remaining term having his or her position filled at the
25 ~~((1991))~~ 1992 special district general election. If any of these
26 remaining three governing body members have identical remaining terms
27 of office, the newly calculated remaining terms of these persons shall
28 be determined by lot with the county auditor who assists the special

1 district in its elections managing such lot procedure. The newly
2 established terms shall be recorded by the county auditor.

3 (2) However, whenever five or more special districts have
4 consolidated under chapter 85.36 RCW and the consolidated district has
5 five members in its governing body on July 28, 1985, the consolidated
6 district may adopt a resolution retaining a five-member governing body.
7 At any time thereafter, such a district may adopt a resolution and
8 reduce the size of the governing body to three members with the
9 reduction occurring as provided in subsection (1) of this section, but
10 the years of the effective dates shall be extended so that the
11 reduction occurs at the next January 1st occurring after the date of
12 the adoption of the resolution. Whenever a special district is so
13 governed by a five-member governing body, two members shall be elected
14 at each of two consecutive special district general elections, and one
15 member shall be elected at the following special district general
16 election, each to serve a six-year staggered term.

17 **Sec. 13.** RCW 85.38.110 and 1985 c 396 s 12 are each amended to
18 read as follows:

19 A list of presumed eligible voters shall be prepared and maintained
20 by each special district. The list shall include the assessor's tax
21 number for each lot or parcel in the district, the name or the names of
22 the owners of such lots and parcels and their mailing address, the
23 extent of the ownership interest of such persons, and if such persons
24 are natural persons, whether they are known to be registered voters in
25 the state of Washington. Whenever such a list is prepared, the
26 district shall attempt to notify each owner of the requirements
27 necessary to establish voting authority to vote. Whenever lots or
28 parcels in the district are sold, the district shall attempt to notify
29 the purchasers of the requirements necessary to establish voting

1 authority. Each special district shall provide a copy of this list,
2 and any revised list, to the auditor of the county within which all or
3 the largest portion of the special district is located. The special
4 district must compile the list of eligible voters and provide it to the
5 county auditor by the first day of November preceding the special
6 district general election. In the event the special district does not
7 provide the county auditor with the list of qualified voters by this
8 date, the county auditor shall compile the list and charge the special
9 district for the costs required for its preparation. The county
10 auditor shall not be held responsible for any errors in the list.

11 **Sec. 14.** RCW 85.38.120 and 1985 c 396 s 13 are each amended to
12 read as follows:

13 The auditor of the county within which a special district, or the
14 largest portion of a special district, is located shall assist such
15 special district with its elections as provided in this section.

16 (1) The county auditor shall ((both)) publish ((and post notices
17 for such elections. Notices shall be posted in at least four
18 conspicuous public places within the special district at least two
19 weeks before the election. Notices shall also be published)) notice of
20 an election to create a special district and notice of all special
21 district elections not conducted by mail in a newspaper of general
22 circulation in the special district at least once not more than ten nor
23 less than three days before the election. The notices shall describe
24 the election, give its date and times to be held, and indicate the
25 election site or sites in the special district where ballots may be
26 cast.

27 (2) If a special district has at least five hundred qualified
28 voters, then the county auditor shall publish in a newspaper of general
29 circulation in the special district a notice of the filing period and

1 place for filing a declaration of candidacy to become a member of the
2 governing body. This notice shall be published at least seven days
3 prior to the closing of the filing period. If the special district has
4 less than five hundred qualified voters, then the special district
5 shall mail or deliver this notice to each qualified voter of the
6 special district at least seven days prior to the closing of the filing
7 period.

8 (3) All costs of the county auditor incurred related to such
9 elections shall be reimbursed by the special district. ((A special
10 district may also contract with the county auditor to staff the voting
11 site during the election or contract with the county auditor to conduct
12 the election pursuant to RCW 29.36.120.))

13 NEW SECTION. Sec. 15. A new section is added to chapter 85.38 RCW
14 to read as follows:

15 (1) If a special district has less than five hundred qualified
16 voters, then the special district must contract with the county auditor
17 to conduct the special district elections. The county auditor has the
18 discretion as to whether to conduct the election by mail.

19 (2) If a special district has at least five hundred qualified
20 voters, the special district may contract with the county auditor to
21 staff the voting site during the election or contract with the county
22 auditor to conduct the election by mail. A special district with at
23 least five hundred qualified voters may also choose to conduct its own
24 elections. A special district that conducts its own elections must
25 enter into an agreement with the county auditor that specifies the
26 responsibilities of both parties.

27 (3) If the county auditor conducts a special district election by
28 mail, then the provisions of chapter 29.36 RCW which govern elections
29 by mail, except for the requirements of RCW 29.36.120, shall apply.

1 **Sec. 16.** RCW 85.38.130 and 1985 c 396 s 14 are each amended to
2 read as follows:

3 For special district elections that are not conducted by mail, the
4 governing body of each special district shall appoint three voters of
5 the special district, who may be members of the governing body, to act
6 as election officials, unless the special district contracts with the
7 county auditor to staff the election site. The election officials
8 shall distribute a ballot or ballots to each voter of the special
9 district who arrives at the voting place during the hours for the
10 election on the day of the election and requests a ballot. Ballots
11 shall also be provided to those persons arriving at the polling place
12 during the hours for the election on the day of the election who
13 present documents or evidence sufficient to establish their eligibility
14 to vote. A person arriving at the polling place at such times who
15 demands a ballot, but who fails to present documents or evidence which
16 in the opinion of the election officials is sufficient to establish
17 eligibility to vote, shall be given a ballot clearly marked as
18 "challenged" and shall be allowed to vote. Each challenged ballot
19 shall be numbered consecutively and a list of such persons and their
20 ballot numbers shall be made.

21 The governing body of each special district shall designate those
22 hours from 7 a.m. to 8 p.m. during which the election shall be held:
23 PROVIDED, That at least (~~two~~) six consecutive hours must be
24 designated. When the election is over, the election officials shall
25 secure the ballots and transport the ballots to the county auditor's
26 office by noon of the day following the election. The auditor may, at
27 his or her discretion, station a deputy auditor or auditors at the
28 election site who shall observe the election and transport the ballots
29 to the auditor's office. The auditor shall count the ballots and
30 certify the count of votes for and against each measure and for each

1 candidate appearing on the ballot. A separate count shall be made of
2 any challenged ballots. A challenged ballot shall be counted as a
3 normal ballot if documents or evidence are supplied to the auditor
4 before 4:00 p.m. on the day after the election that, in the opinion of
5 the auditor, are sufficient to establish the person's eligibility to
6 vote.

7 Additionally, voting by absentee ballot shall be allowed in every
8 special district. A request for an absentee ballot may be made by an
9 eligible voter by mail or in person to the county auditor who
10 supervises the special district elections. An absentee ballot shall be
11 provided to each voter of a special district requesting such a ballot
12 under this section. A person requesting such a ballot may present
13 information establishing his or her eligibility to vote in such a
14 special district. The auditor shall provide an absentee ballot to each
15 person requesting an absentee ballot who is either included on the list
16 of presumed eligible voters or who submits information which, in the
17 auditor's opinion, establishes his or her eligibility to vote. The
18 names of these persons so determined to be eligible to vote shall be
19 added to the list of presumed eligible voters for the appropriate
20 special district. The request for an absentee ballot must be made no
21 more than forty-five days before the election. To be valid, absentee
22 ballots must be postmarked on or before the day of the election and
23 mailed to the county auditor.

24 **Sec. 17.** RCW 85.38.180 and 1985 c 396 s 19 are each amended to
25 read as follows:

26 A special district may:

27 (1) Engage in flood control activities, and investigate, plan,
28 construct, acquire, repair, maintain, and operate improvements, works,
29 projects, and facilities necessary to prevent inundation or flooding

1 from rivers, streams, tidal waters or other waters. Such facilities
2 include dikes, levees, dams, banks, revetments, channels, canals, and
3 other works, appliances, machinery, and equipment.

4 (2) Engage in drainage control, storm water control, and surface
5 water control activities, and investigate, plan, construct, acquire,
6 repair, maintain, and operate improvements, works, projects, and
7 facilities necessary to control and treat storm water, surface water,
8 and flood water. Such facilities include drains, ditches, canals,
9 nonsanitary sewers, pumps, and other works, appliances, machinery, and
10 equipment.

11 (3) Engage in lake or river restoration, aquatic plant control, and
12 water quality enhancement activities.

13 (4) Take actions necessary to protect life and property from
14 inundation or flow of flood waters, storm waters, or surface waters.

15 ((+4)) (5) Acquire, purchase, condemn by power of eminent domain
16 pursuant to chapters 8.08 and 8.25 RCW, or lease, in its own name,
17 necessary property, property rights, facilities, and equipment.

18 ((+5)) (6) Sell or exchange surplus property, property rights,
19 facilities, and equipment.

20 ((+6)) (7) Accept funds and property by loan, grant, gift, or
21 otherwise from the United States, the state of Washington, or any other
22 public or private source.

23 ((+7)) (8) Hire staff, employees, or services, or use voluntary
24 labor.

25 ((+8)) (9) Sue and be sued.

26 ((+9)) (10) Cooperate with or join the United States, the state of
27 Washington, or any other public or private entity or person for
28 district purposes.

29 ((+10)) (11) Enter into contracts.

1 (~~(11)~~) (12) Exercise any of the usual powers of a corporation for
2 public purposes.

3 NEW SECTION. Sec. 18. RCW 85.24.210 and 1909 c 225 s 31 are
4 each repealed.

5 NEW SECTION. Sec. 19. RCW 85.05.015 as amended by this act is
6 recodified as a section in chapter 85.08 RCW.

7 **Sec. 20.** RCW 85.05.410 and 1985 c 396 s 39 are each amended to
8 read as follows:

9 Members of the board of diking commissioners of any diking district
10 in this state may receive as compensation the sum of up to (~~twenty-~~
11 ~~five~~) fifty dollars for attendance at official meetings of the
12 district and for each day or major part thereof for all necessary
13 services actually performed in connection with their duties as
14 commissioners, and shall receive the same compensation as other labor
15 of a like character for all other necessary work or services performed
16 in connection with their duties: PROVIDED, That such compensation
17 shall not exceed (~~three~~) four thousand eight hundred dollars in one
18 calendar year, except when the commissioners declare an emergency.
19 Allowance of such compensation shall be established and approved at
20 regular meetings of the board, and when a copy of the extracts of
21 minutes of the board meeting relative thereto showing such approval is
22 certified by the secretary of such board and filed with the county
23 auditor, the allowance made shall be paid as are other claims against
24 the district.

25 Each commissioner is entitled to reimbursement for reasonable
26 expenses actually incurred in connection with such business, including
27 subsistence and lodging, while away from the commissioner's place of

1 residence, and mileage for use of a privately owned vehicle in
2 accordance with chapter 42.24 RCW.

3 **Sec. 21.** RCW 85.06.380 and 1985 c 396 s 43 are each amended to
4 read as follows:

5 In performing their duties under the provisions of this title the
6 board and members of the board of drainage commissioners (~~shall~~) may
7 receive as compensation up to (~~twenty-five~~) fifty dollars for
8 attendance at official meetings of the district and for each day or
9 major part thereof for all necessary services actually performed in
10 connection with their duties as commissioners: PROVIDED, That such
11 compensation shall not exceed four thousand eight hundred dollars in
12 one calendar year: PROVIDED FURTHER, That such services and
13 compensation are allowed and approved at a regular meeting of the
14 board. Upon the submission of a copy, certified by the secretary, of
15 the extracts of the relevant minutes of the board showing such
16 approval, to the county auditor, the same shall be paid as other claims
17 against the district are paid. Each commissioner is entitled to
18 reimbursement for reasonable expenses actually incurred in connection
19 with such business, including (~~his~~) subsistence and lodging, while
20 away from the commissioner's place of residence and mileage for use of
21 a privately-owned vehicle in accordance with chapter 42.24 RCW.

22 **Sec. 22.** RCW 85.08.320 and 1986 c 278 s 32 are each amended to
23 read as follows:

24 The compensation of the superintendent of construction, the board
25 of appraisers hereinafter provided for, and any special engineer,
26 attorney or agent employed by the district in connection with the
27 improvement, the maximum wages to be paid, and the maximum price of
28 materials to be used, shall be fixed by the district board of

1 supervisors. Members of the board of supervisors may receive
2 compensation up to (~~twenty-five~~) fifty dollars for attending each
3 official meeting of the district and for each day or major part thereof
4 for all necessary services actually performed in connection with their
5 duties as supervisors: PROVIDED, That such compensation shall not
6 exceed four thousand eight hundred dollars in one calendar year. Each
7 supervisor shall be entitled to reimbursement for reasonable expenses
8 actually incurred in connection with business, including subsistence
9 and lodging while away from the supervisor's place of residence and
10 mileage for use of a privately owned vehicle in accordance with chapter
11 42.24 RCW. All costs of construction or maintenance done under the
12 direction of the board of supervisors shall be paid upon vouchers or
13 payrolls verified by two of the said supervisors. All costs of
14 construction and all other expenses, fees and charges on account of
15 such improvement shall be paid by warrants drawn by the county auditor
16 upon the county treasurer upon the proper fund, and shall draw interest
17 at a rate determined by the county legislative authority until paid or
18 called by the county treasurer as warrants of the county are called.

19 **Sec. 23.** RCW 85.24.080 and 1985 c 396 s 54 are each amended to
20 read as follows:

21 The members of the board (~~shall~~) may receive as compensation up
22 to (~~twenty-five~~) fifty dollars for attendance at official meetings of
23 the district and for each day or major part thereof for all necessary
24 services actually performed in connection with their duties as
25 commissioners: PROVIDED, That such compensation shall not exceed four
26 thousand eight hundred dollars in one calendar year: PROVIDED FURTHER,
27 That the board may fix a different salary for the secretary thereof in
28 lieu of the per diem. Each commissioner is entitled to reimbursement
29 for reasonable expenses actually incurred in connection with such

1 business, including subsistence and lodging, while away from the
2 commissioner's place of residence, and mileage for use of a privately
3 owned vehicle in accordance with chapter 42.24 RCW. The salary and
4 expenses shall be paid by the treasurer of the fund, upon orders made
5 by the board. Each member of the board must before being paid for
6 expenses, take vouchers therefore from the person or persons to whom
7 the particular amount was paid, and must also make affidavit that the
8 amounts were necessarily incurred and expended in the performance of
9 his or her duties.

10 **Sec. 24.** RCW 86.09.283 and 1985 c 396 s 61 are each amended to
11 read as follows:

12 The board of directors (~~(shall)~~) may each receive up to (~~(twenty-~~
13 ~~five))~~ fifty dollars for attendance at official meetings of the board
14 and for each day or major part thereof for all necessary services
15 actually performed in connection with their duties as director. The
16 board shall fix the compensation to be paid to the directors,
17 secretary, and all other agents and employees of the district.
18 Compensation for the directors shall not exceed four thousand eight
19 hundred dollars in one calendar year. A director is entitled to
20 reimbursement for reasonable expenses actually incurred in connection
21 with such business, including subsistence and lodging, while away from
22 the director's place of residence, and mileage for use of a privately
23 owned vehicle in accordance with chapter 42.24 RCW.

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