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HOUSE BILL 1910

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State of Washington

67th Legislature

2022 Regular Session

By Representatives Gregerson, Pollet, Simmons, Fitzgibbon, Peterson, Goodman, and Valdez

Read first time 01/11/22. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to conservation district elections; amending RCW  
2 89.08.190, 89.08.110, 89.08.120, 89.08.130, 89.08.140, 89.08.160,  
3 89.08.200, 89.08.350, and 42.17A.010; creating a new section;  
4 repealing 2002 c 43 s 1 (uncodified); and providing an effective  
5 date.

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

7 **Sec. 1.** RCW 89.08.190 and 2002 c 43 s 3 are each amended to read  
8 as follows:

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

15 (1) The governing board of a district shall consist of five  
16 electd supervisors.

17 (2)(a) In the case of a new district, the commission shall give  
18 due notice to elect the ((three)) five supervisors at the next  
19 statewide general election under RCW 29A.04.321. All provisions  
20 pertaining to elections ((on the creation of a district)) under Title

1 29A RCW shall govern this election (~~(so far as applicable)~~), except  
2 as otherwise provided in this section.

3 (b) There shall be no primary prior to the first election for  
4 supervisors.

5 (c) The names of all (~~(nominees)~~) candidates shall appear on the  
6 ballot in alphabetical order, together with instructions to vote for  
7 (~~(three)~~) five. The (~~(three)~~) five candidates receiving the most  
8 votes shall be declared elected supervisors(~~(7)~~). If the election  
9 occurs in an even-numbered year, the (~~(one)~~) two candidates receiving  
10 the most (~~(being)~~) votes are elected for a (~~(three)~~) four-year term,  
11 and the next (~~(for two and the last)~~) three for (~~(one year)~~) a two-  
12 year term. If the election occurs in an odd-numbered year, the two  
13 candidates receiving the most votes are elected for a three-year  
14 term, and the next three for a one-year term.

15 (d) An alternate method of dividing the district into (~~(three)~~)  
16 five zones with populations as nearly equal as practicable may be  
17 used when (~~(requested by the board of supervisors and)~~) approved by  
18 the commission. In such case, instructions will be to vote for one in  
19 each zone. The candidate receiving the most votes in a zone shall be  
20 declared elected.

21 (~~(Each year after the creation of the first board of~~  
22 supervisors)) (3) Subsequent elections for supervisors shall be held  
23 under the provisions of Title 29A RCW. Candidates file for office, a  
24 primary is held, and the general election is conducted, all in  
25 conformity with that title. The term of office for each supervisor  
26 shall be four years.

27 (4) (a) A board of supervisors may apply to the secretary of state  
28 for a waiver to exempt the district from conducting its elections in  
29 accordance with Title 29A RCW. The secretary may grant a waiver only  
30 if the district demonstrates that the costs and burdens of conducting  
31 its elections under Title 29A RCW are disproportionate to the  
32 anticipated benefits from increased voter turnout and engagement.

33 (b) If the board receives a waiver, the board shall by resolution  
34 and by giving due notice, set a date (~~(during the first quarter of~~  
35 each)) in each even-numbered calendar year at which time it shall  
36 conduct an election(~~(, except that for elections in 2002 only, the~~  
37 board shall set the date during the second quarter of the calendar  
38 year at which time it shall conduct an election)) for new  
39 supervisors. Names of candidates nominated by petition signed by not  
40 less than 25 qualified district electors shall appear in alphabetical

1 order on the ballots, together with an extra line wherein may be  
2 written in the name of any other candidate. The commission shall  
3 establish procedures for elections, canvass the returns and announce  
4 the official results thereof. Election results may be announced by  
5 polling officials at the close of the election subject to official  
6 canvass of ballots by the commission. (~~Supervisors~~)

7 (c) A waiver granted under this subsection may last no more than  
8 two years or one election cycle.

9 (d) (i) For each waiver that the secretary grants under this  
10 section, the secretary must provide a report to the appropriate  
11 committees of the legislature that includes:

12 (A) The reasons that the waiver was granted;

13 (B) The current cost of conducting elections in the district, and  
14 the estimated cost of conducting elections under Title 29A RCW;

15 (C) Information about the last time that the district imposed  
16 special assessments or fixed rates and charges under RCW 89.08.400 or  
17 89.08.405, respectively, or the last time that voters rejected a  
18 special assessment or rates and charges;

19 (D) Discussion of possible collaboration or merger between the  
20 district and another conservation district or other entity; and

21 (E) Recommendations about how the district can reduce the burdens  
22 of conducting its elections under Title 29A RCW.

23 (ii) Reports under this subsection must be submitted to the  
24 legislature no more than six months after the waiver is granted and  
25 must comply with RCW 43.01.036.

26 (5) All supervisors elected shall take office at the first board  
27 meeting following the election.

28 **Sec. 2.** RCW 89.08.110 and 1999 c 305 s 3 are each amended to  
29 read as follows:

30 If the commission finds that the district is needed, it shall  
31 then determine whether it is practicable. To assist the commission in  
32 determining this question, it shall, within a reasonable time,  
33 request a special election, consistent with RCW 29A.04.330, to submit  
34 the proposition to a vote of the district electors in the proposed  
35 district.

36 ~~((The commission shall fix the date of the election, designate~~  
37 ~~the polling places, fix the hours for opening and closing the polls,~~  
38 ~~and appoint the election officials. The election shall be conducted,~~  
39 ~~the vote counted and returns canvassed and the results published by~~

1 ~~the commission.))~~ The election shall be conducted under the  
2 procedures in Title 29A RCW.

3 **Sec. 3.** RCW 89.08.120 and 1973 1st ex.s. c 184 s 13 are each  
4 amended to read as follows:

5 The ~~((commission shall provide the))~~ ballots for the election  
6 ~~((which))~~ shall contain the words

7 "☐ For creation of a conservation district of the lands below  
8 described and lying in the county or counties  
9 of . . . . ., . . . . . and . . . . .," and

10 "☐ Against creation of a conservation district of the lands below  
11 described and lying in the county or counties  
12 of . . . . ., . . . . . and . . . . ."

13 The ballot shall set forth the boundaries of the proposed  
14 district~~((, and contain a direction to insert an X in the square of~~  
15 ~~the voter's choice))~~.

16 **Sec. 4.** RCW 89.08.130 and 1999 c 305 s 4 are each amended to  
17 read as follows:

18 The commission shall give due notice of the election, which shall  
19 state generally the purpose of the election~~((,))~~ and the date  
20 thereof, ~~((the place and hours of voting,))~~ and set forth the  
21 boundaries of the proposed district.

22 Only qualified district electors within the proposed district  
23 ~~((as determined by the commission))~~ may vote at the election. ~~((Each~~  
24 ~~voter shall vote in the polling place nearest the voter's~~  
25 ~~residence.))~~ For purposes of this chapter, a qualified district  
26 elector is a natural person who is a registered voter under general  
27 state election laws and who resides in the district or proposed  
28 district.

29 **Sec. 5.** RCW 89.08.140 and 1973 1st ex.s. c 184 s 15 are each  
30 amended to read as follows:

31 The commission shall bear all expense of giving the notices and  
32 conducting the hearings ~~((and election)),~~ and shall issue regulations  
33 governing all hearings ~~((and elections))~~ and supervise the conduct  
34 thereof. ~~((It shall provide for registration of eligible voters or~~  
35 ~~prescribe the procedure to determine the eligible voters. No~~  
36 ~~informality in connection with the election shall invalidate the~~

1 results, ~~if the notice thereof was substantially given, and the~~  
2 ~~election fairly conducted.))~~ The costs associated with holding  
3 elections are governed by RCW 29A.04.410.

4 **Sec. 6.** RCW 89.08.160 and 1973 1st ex.s. c 184 s 17 are each  
5 amended to read as follows:

6 If the commission finds the project practicable, it shall  
7 ~~((appoint two supervisors, one of whom shall be a landowner or~~  
8 ~~operator of a farm, who shall be qualified by training and experience~~  
9 ~~to perform the specialized skilled services required of them. They,~~  
10 ~~with the three elected supervisors, two of whom shall be landowners~~  
11 ~~or operators of a farm, shall constitute the governing board of the~~  
12 ~~district.~~

13 ~~The two appointed supervisors shall))~~ file with the secretary of  
14 state a sworn application, reciting that a petition was filed with  
15 the commission for the creation of the district ~~((; that all required~~  
16 ~~proceedings were had thereon; that they were appointed by the~~  
17 ~~commission as such supervisors; and that the application is being~~  
18 ~~filed to complete the organization of the district. It shall contain~~  
19 ~~the names and residences of the applicants, a certified copy of their~~  
20 ~~appointments, the name of the district, the location of the office of~~  
21 ~~the supervisors and the term of office of each applicant.~~

22 ~~The application shall be accompanied by a statement of the~~  
23 ~~commission, reciting that a petition was filed)),~~ notice issued, and  
24 a hearing was held thereon as required; that it determined the need  
25 for the district and defined the boundaries thereof; that notice was  
26 given and an election was held on the question of creating the  
27 district; that a majority vote favored the district, and that the  
28 commission had determined the district practicable; and the  
29 commission shall set forth the boundaries of the district.

30 **Sec. 7.** RCW 89.08.200 and 2013 c 23 s 550 are each amended to  
31 read as follows:

32 ~~((The term of office of each supervisor shall be three years and~~  
33 ~~until his or her successor is appointed or elected and qualified,~~  
34 ~~except that the supervisors first appointed shall serve for one and~~  
35 ~~two years respectively from the date of their appointments, as~~  
36 ~~designated in their appointments.~~

37 ~~In the case of elected supervisors, the term of office of each~~  
38 ~~supervisor shall be three years and until his or her successor is~~

1 ~~elected and qualified, except that for the first election, the one~~  
2 ~~receiving the largest number of votes shall be elected for three~~  
3 ~~years; the next largest two years; and the third largest one year.~~  
4 ~~Successors shall be elected for three-year terms.~~

5 ~~Vacancies in the office of appointed supervisors shall be filled~~  
6 ~~by the state conservation commission.))~~ Vacancies in the office of  
7 elected supervisors shall be filled by appointment made by the  
8 remaining supervisors for the unexpired term.

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

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

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

18 **Sec. 8.** RCW 89.08.350 and 1999 c 305 s 9 are each amended to  
19 read as follows:

20 At any time after five years from the organization of a district,  
21 twenty percent of the voters in the district may file with the  
22 commission a petition, praying that the district be dissolved. The  
23 commission may hold public hearings thereon, and within sixty days  
24 from receipt of the petition, shall give due notice of an election on  
25 the question of dissolution. (~~It shall provide appropriate ballots,~~  
26 ~~conduct the election, canvass the returns, and declare the results in~~  
27 ~~the same manner as for elections to create a district.~~

28 ~~All district electors may vote at the election. No informality~~  
29 ~~relating to the election shall invalidate it if notice is~~  
30 ~~substantially given and the election is fairly conducted.))~~ The  
31 question shall be submitted to voters as a ballot measure at a  
32 general or special election under the procedures provided in Title  
33 29A RCW.

34 NEW SECTION. **Sec. 9.** The change to election dates and term  
35 lengths in this act apply to supervisors who are serving on the  
36 effective date of this section in the following manner:

37 (1) If the supervisor's term is scheduled to end in an even-  
38 numbered year, the supervisor shall serve through the end of that

1 year. An election for the successor shall be held at the general  
2 election in the November prior to the end of the term; or

3 (2) If the supervisor's term is scheduled to end in an odd-  
4 numbered year, the supervisor shall serve until a successor is  
5 elected in the next general election following the scheduled end of  
6 the term and is qualified and assumes office in accordance with RCW  
7 29A.60.280.

8 **Sec. 10.** RCW 42.17A.010 and 2002 c 43 s 4 are each amended to  
9 read as follows:

10 Elections of conservation district supervisors held pursuant to  
11 chapter 89.08 RCW in districts that have received a waiver from  
12 conducting elections under Title 29A RCW pursuant to RCW 89.08.190(4)  
13 shall not be considered general or special elections for purposes of  
14 the campaign disclosure and personal financial affairs reporting  
15 requirements of this chapter. Elected conservation district  
16 supervisors in those districts are not considered elected officials  
17 for purposes of the annual personal financial affairs reporting  
18 requirement of this chapter.

19 NEW SECTION. **Sec. 11.** 2002 c 43 s 1 (uncodified) is repealed.

20 NEW SECTION. **Sec. 12.** This act takes effect January 1, 2023.

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