

HOUSE BILL REPORT

HB 1567

As Reported by House Committee On:
State Government & Tribal Relations

Title: An act relating to commissioning a study on conservation district election costs under Title 29A RCW.

Brief Description: Commissioning a study on conservation district election costs under Title 29A RCW.

Sponsors: Representatives Gregerson, Lekanoff, Jacobsen, Doglio and Reed.

Brief History:

Committee Activity:

State Government & Tribal Relations: 2/7/23, 2/10/23 [DPS].

Brief Summary of Substitute Bill

- Directs the Washington State Institute for Public Policy to conduct a study of conservation district election costs, both under current law and if districts were to shift to general election ballots under Title 29A RCW.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

Minority Report: Do not pass. Signed by 3 members: Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Low.

Staff: Andrew Hatt (786-7296) and Jason Zolle (786-7124).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Conservation Districts.

Conservation districts are a type of special purpose district that promote the conservation of natural resources in local communities, providing a variety of voluntary, incentive-based programs in areas such as habitat restoration, stormwater management, urban agriculture, and environmental education. There are 45 conservation districts in Washington, all of which are overseen and supported by the State Conservation Commission (SCC). The SCC is comprised of a 10-member governing board, which includes:

- four commissioners appointed to represent state partners, including the Department of Ecology, Department of Agriculture, Department of Natural Resources, and Washington State University;
- two commissioners appointed by the Governor;
- three commissioners who are current conservation district board supervisors, elected to serve by members of the Washington Association of Conservation Districts (WACD); and
- the President of the WACD.

As special purpose districts, conservation districts are local government entities separate from a county, city, or town government. Conservation districts may be formed when 20 percent of the voters in a proposed district area file a petition with the SCC. A public hearing is then called, and the SCC may call an election if it determines that creation of the conservation district is warranted in the interest of public health, safety, and welfare. If a majority of voters in the subsequent election support establishment of the conservation district, the district is then created if the SCC determines that the project is feasible.

Conservation District Elections.

The SCC may determine the qualifications necessary to vote in a conservation district election. By SCC rule, an individual may vote if they are registered to vote in the county where the district is located and reside within the conservation district boundaries.

Each conservation district is governed by a five-member board of supervisors, three of whom are elected to staggered three-year terms. Two of the three elected supervisors are required to be landowners or operators of a farm. The other two supervisors are appointed by the SCC, with one required to be a landowner or the operator of a farm.

The SCC designates polling places and sets the date for elections regarding the creation of a conservation district. For elections to the board of supervisors, the board of supervisors sets the date of the election during the first quarter of the calendar year. To appear on the ballot for a board of supervisor election, a person must file a petition signed by 25 electors.

Title 29A RCW Elections.

Most local government and special district elections are conducted under Title 29A RCW, except for some types of special districts. In Title 29A RCW elections:

- candidates file for office during a filing period in May;
- a primary is held in August to narrow the field to two candidates; and

- a general election is held on the first Tuesday after the first Monday in November.

General elections for local government candidates are conducted in odd-numbered years, except for counties in which the charter specifies even-year elections. Upon request by the legislative authority, special elections may be called by a county auditor on one of four days, with one in February, one in April, the date of the August primary, or the November general election.

Mail-in ballots are sent to voters by the county auditor, who largely conducts elections at the county level, and returned ballots are canvassed by a county canvassing board. Each registered voter is entitled to one vote in the local government races for the jurisdictions in which the voter resides. The Office of the Secretary of State oversees elections, and the Public Disclosure Commission oversees rules for elections and campaign finance laws.

The Legislature has considered bills in recent biennia that would provide for additional special purpose districts to have their elections conducted under Title 29A RCW, or to have the option to switch.

Washington State Institute for Public Policy.

The Washington State Institute for Public Policy (WSIPP) is a nonpartisan public research group, established by the Legislature in 1983. The WSIPP carries out research at the direction of the Legislature or its Board of Directors, conducting multi-disciplinary research and cost-benefit analysis in areas such as general government, education, criminal justice, and health.

Summary of Substitute Bill:

The Washington State Institute for Public Policy (WSIPP) is directed to conduct a study on the costs associated with conservation district supervisor elections, both under current law and if districts were to shift to general election ballots under Title 29A RCW.

Specifically, the study must include:

- an analysis of the expenses each conservation district incurs to hold elections for its supervisors under current law;
- a description of funding sources that conservation districts utilize to fund their elections;
- data about voter turnout for conservation district supervisor elections over at least the past six years and up to the past 20 years, if the conservation district has such data, as well as a calculation of the total cost per ballot cast in each election;
- a projection of election costs for each conservation district if supervisor elections were held on general election ballots per Title 29A RCW requirements, including:
 - switching all supervisor positions to elected positions; and
 - changing term lengths to four years, with terms staggered such that elections

were held every two years, in alignment with other elections for local government officials;

- a projection of election costs for each conservation district if, in addition to the changes described above, conservation districts were divided into zones represented by a single supervisor, rather than electing each supervisor at-large throughout the entire district; and
- an overall description of potential nonmonetary costs and benefits associated with switching conservation district supervisor elections to general election ballots under Title 29A RCW and the other changes described above.

The study is subject to the availability of amounts appropriated for this specific purpose. If funded, WSIPP must provide as much information as possible in a preliminary report to the Legislature by December 1, 2023, with a final report to be completed by June 30, 2024.

Substitute Bill Compared to Original Bill:

The substitute bill changes the due date for the final report to June 30, 2024, but specifies that the Washington State Institute for Public Policy must provide as much information as possible to the Legislature in a preliminary report by the original due date of December 1, 2023. Additionally, the substitute bill permits the study to consider only the past six years of voter turnout, rather than the past 20, if the district only has such data.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The Legislature has considered several bills regarding conservation district elections in the past, and cost has been the sticking point. Conservation districts use public funds, and they should hold elections using good governance principles. This bill recognizes that there are differences between rural versus urban and small versus large conservation districts, and it seeks to elicit data to produce an outcome that works for all. The study will help determine the best path forward among the many possible reform ideas that have been discussed during previous efforts. Reform is much needed, as there is less than a .5 percent turnout rate in some conservation district elections. All supervisors should be elected during regularly scheduled elections. Currently all 45 conservation districts do their own election management, but elections should be standardized and run by registered election officials. It would be cheaper for some conservation districts to hold elections on general election ballots, which would provide voters with the additional benefits of standard

elections, such as standard mail-in ballots. Ballot access is confusing for voters and conservation districts are unable to get higher voter turnout. The unknown costs of current conservation district elections and prospective solutions are a big impediment to reform efforts, and this study will help shed light on whether the elections should move to general election ballots or not.

(Opposed) None.

(Other) Some conservation districts are ready to move forward, but this bill does not go far enough for them. The Joint Committee on Elections (JCE) already suggested reforms: elections for supervisors should be held every other year, supervisor term limits should be changed from three to four years, all conservation districts should hold their elections during one agreed upon election month, and each conservation district should have the option to hold its elections on the general election ballot if it so desires. Conservation districts are largely grant-funded entities that require that specific rules and procedures be followed in order to be reimbursed, so they do not have a means of paying for election costs. It is likely that this study will reach the same conclusions as the previous study by the JCE. The questions that should be asked are how can we raise participation in special district elections generally, and what should the goal of these elections be? The State Conservation Commission currently oversees conservation district elections, and it already has clear procedures for elections in place that it monitors to ensure compliance. The study in the bill should cover all special purposes districts, and assess voter turnout data from the past six years, not 20 years, as this would align with local government retention schedules.

Persons Testifying: (In support) Representative Mia Gregerson, prime sponsor; Cindy Madigan, League of Women Voters of Washington; Rosa Mendez-Perez; Chris Porter; Kirstin Haugen; and Julie Wise, King County Elections.

(Other) Ron Shultz, Washington State Conservation Commission; Dave Hedrick, Ferry Conservation District; and Tom Salzer, Washington Association of Conservation Districts.

Persons Signed In To Testify But Not Testifying: None.