CERTIFICATION OF ENROLLMENT

SENATE BILL 5669

Chapter 191, Laws of 2025

69th Legislature
2025 Regular Session

IRRIGATION DISTRICT ELECTIONS—VARIOUS PROVISIONS

EFFECTIVE DATE: July 27, 2025

Passed by the Senate March 3, 2025
Yeas 49 Nays 0

JOHN LOVICK

President of the Senate

Passed by the House April 15, 2025
Yeas 85 Nays 11

LAURIE JINKINS

Speaker of the House of Representatives

Approved April 30, 2025 9:48 AM

BOB FERGUSON

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5669** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

April 30, 2025

Secretary of State
State of Washington

SENATE BILL 5669

Passed Legislature - 2025 Regular Session

State of Washington 69th Legislature 2025 Regular Session

By Senators Torres, Short, Dozier, Schoesler, and Warnick

Read first time 02/05/25. Referred to Committee on Agriculture & Natural Resources.

AN ACT Relating to irrigation district elections; amending RCW 87.03.031, 87.03.032, 87.03.033, 87.03.045, 87.03.051, 87.03.071, 87.03.075, 87.03.085, and 87.03.105; adding new sections to chapter 87.03 RCW; and prescribing penalties.

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

Sec. 1. RCW 87.03.031 and 2013 c 23 s 481 are each amended to read as follows:

Any qualified district elector ((~~who certifies as provided in RCW 87.03.032 through 87.03.034 that he or she cannot conveniently be present to cast his or her ballot at his or her proper election precinct on the day of any irrigation district election~~)) shall be entitled to vote by absentee ballot ((~~in such election~~)) in the manner herein provided.

Sec. 2. RCW 87.03.032 and 2013 c 23 s 482 are each amended to read as follows:

(1) The notice of election shall conform to the requirements for election notices provided by ((~~Title 87 RCW~~)) this chapter for the election being held, and shall specify ((~~in addition~~)) that any qualified district elector ((~~who certifies that he or she cannot conveniently be present at his or her proper election precinct on the~~

~~day of election~~)) may vote by absentee ballot, and that a ballot and form of certificate of qualifications will be furnished to him or her on written request being made of the district's secretary. The requisite ballot and a form of certificate of qualifications shall be furnished by the district's secretary to any person who prior to the date of election makes written request therefor, stating that he or she is a qualified district elector. Such ballot and form may be furnished also to qualified district electors in any way deemed to be convenient without regard to requests having been made therefor.

(2) The board of directors may by adoption of a resolution choose to conduct an election using only mail-in ballots in lieu of polling places and absentee ballots. The district shall provide ballots to qualified electors derived from its assessment roll, toll and charge roll, or other district records and may also use the county assessor's or other public records to assist in determining qualified electors. Ballots will be in the same format as provided in RCW 87.03.033. Persons or entities who have not received a ballot and believe they are qualified electors may provide documents demonstrating they are qualified electors at the district main office by the close of business on the day before the election and receive a ballot if qualified to vote in the election.

Sec. 3. RCW 87.03.033 and 2013 c 23 s 483 are each amended to read as follows:

(1) To be counted in a given election, an absentee ballot or ballots in a mail-in election must conform to these requirements:

(a) It must be sealed in ((~~an unmarked~~)) a security envelope, which may provide instructions for completing the ballot and which position is being contested, but have no other marks that would identify the elector, and then be placed in an additional outer envelope and delivered to the district's principal office prior to the close of the polls on the day of that election; or be ((~~sealed in an unmarked envelope and~~)) mailed to the district's secretary, postmarked not later than midnight of that election day and received by the secretary within ((~~five~~)) seven days of that date.

(b) To ensure secrecy of the vote, the security envelope must be sealed within an additional outer envelope, requiring the ballot to be provided with two envelopes for ballot return.

(c) The sealed envelope containing the ballot shall be accompanied by a certificate of qualifications stating, with respect

to the voter, his or her name, age, citizenship, residence, that he or she holds title or evidence of title to lands within the district which, under ((~~RCW 87.03.045~~)) this chapter entitles him or her to vote in the election((~~, and that he or she cannot conveniently be present to cast his or her ballot at his or her proper election precinct on election day~~)).

((~~(c)~~)) (d) The statements in the certificate of qualifications shall be certified as correct by the voter by the affixing of his or her signature thereto ((~~in the presence of a witness who is acquainted with the voter, and the voter shall enclose and seal his or her ballot in the unmarked envelope in the presence of this witness but without disclosing his or her vote. The witness, by affixing his or her signature to the certificate of qualifications, shall certify that he or she is acquainted with the voter, that in his or her presence the voter's signature was affixed and the ballot enclosed as required in this paragraph~~)), certifying under penalty of perjury that he or she meets the qualifications to vote.

(2) The form of statement of qualifications and its certification shall be substantially as prescribed by the district's board of directors. The district may print the statement of qualifications on the outer envelope in lieu of including a separate statement of qualifications form. This form may also provide that the voter shall describe all or some part of his or her lands within the district which, under ((~~RCW 87.03.045~~)) this chapter entitles him or her to vote in the election, but a voter otherwise qualified shall not be disqualified because of the absence or inaccuracy of the description so given. The regular form of irrigation district ballot shall be used by absentee voters.

Sec. 4. RCW 87.03.045 and 2013 c 23 s 484 are each amended to read as follows:

In districts with ((~~two hundred thousand~~)) 200,000 acres or more, a person ((~~eighteen~~)) 18 years old, being a citizen of the United States and a resident of the state and who holds title or evidence of title to land that is assessed or is assessable by the district pursuant to federal and state law, in the district or proposed district shall be entitled to vote therein. He or she shall be entitled to one vote for the first ((~~ten~~)) 10 acres of said land or fraction thereof and one additional vote for all of said land over ten acres. A majority of the directors shall be residents of the

county or counties in which the district is situated and all shall be electors of the district. If more than one elector residing outside the county or counties is voted for as director, only that one who receives the highest number of votes shall be considered in ascertaining the result of the election. Where land is community property both the ((~~husband and wife~~)) spouses may vote if otherwise qualified. An agent of a corporation, general partnership, limited partnership, limited liability company, or other legal entity formed pursuant to the laws of the state of Washington or qualified to do business in the state of Washington owning land in the district, duly authorized in writing, may vote on behalf of the ((~~corporation~~)) land owning entity by filing with the election officers his or her instrument of authority. The agent of such entity is considered an elector of the district, and shall vote in the precinct where the entity's principal office is located or in the precinct nearest the location of the principal office. An elector resident in the district shall vote in the precinct in which he or she resides, all others shall vote in the precinct nearest their residence.

Sec. 5. RCW 87.03.051 and 1997 c 354 s 1 are each amended to read as follows:

In districts with less than ((~~two hundred thousand~~)) 200,000 acres, a person ((~~eighteen~~)) 18 years old, being a citizen of the United States and a resident of the state and who holds title or evidence of title to ((~~assessable~~)) land in the district or proposed district that is assessed or is assessable by the district pursuant to federal and state law, shall be entitled to vote therein, and to be recognized as an elector. A corporation, general partnership, limited partnership, limited liability company, or other legal entity formed pursuant to the laws of the state of Washington or qualified to do business in the state of Washington owning land in the district shall be recognized as an elector. As used in this section, "entity" means a corporation, general partnership, limited partnership, limited liability company, or other legal entity formed pursuant to the laws of the state of Washington or qualified to do business in the state of Washington. "Ownership" shall mean the aggregate of all assessable acres owned by an elector, individually or jointly, within one district. Voting rights shall be allocated as follows: Two votes for each five acres of assessable land or fraction thereof. No one ownership may accumulate more than ((~~forty-nine~~)) 49 percent of the

votes in one district. If assessments are on the basis of shares instead of acres, an elector shall be entitled to two votes for each five shares or fraction thereof. The ballots cast for each ownership of land or shares shall be exercised by common agreement between electors or when land is held as community property, the accumulated votes may be divided equally between ((~~husband and wife~~)) the spouses. Except for community property ownership, in the absence of the submission of the common agreement to the secretary of the district at least ((~~twenty-four~~)) 24 hours before the opening of the polls, the election board shall recognize the first elector to appear on election day as the elector having the authority to cast the ballots for that parcel of land for which there is more than one ownership interest. A majority of the directors shall be residents of the county or counties in which the district is situated and all shall be electors of the district. If more than one elector residing outside the county or counties is voted for as director, only that one who receives the highest number of votes shall be considered in ascertaining the result of the election. An agent of an entity owning land in the district, duly authorized in writing, may vote on behalf of the entity by filing with the election officers his or her instrument of authority. The agent of such entity is considered an elector of the district, and shall vote in the precinct where the entity's principal office is located or in the precinct nearest the location of the principal office. An elector resident in the district shall vote in the precinct in which he or she resides, all others shall vote in the precinct nearest their residence. No director shall be qualified to take or retain office unless the director holds title or evidence of title to land within the district.

Sec. 6. RCW 87.03.071 and 1985 c 66 s 3 are each amended to read as follows:

In any irrigation district where more than ((~~fifty~~)) 50 percent of the total acreage of the district is owned in individual ownerships of less than five acres, each elector who is otherwise qualified to vote pursuant to RCW ((~~87.03.045~~)) 87.03.051 shall be entitled to two votes regardless of the size of ownership. Each ownership shall be represented by two votes. If there are multiple owners or joint owners of a single ownership, the owners shall decide among themselves what their two votes shall be. If the ownership is held as community property, ((~~the husband shall be entitled to one~~

~~vote and the wife~~)) each spouse shall be entitled to one vote or they may vote by common agreement.

Sec. 7. RCW 87.03.075 and 2013 c 23 s 485 are each amended to read as follows:

Voting in an irrigation district shall be by ballot. Ballots shall be of uniform size and quality, provided by the district, and for the election of directors shall contain only the names of the candidates who have filed with the secretary of the district a declaration ((~~in writing~~)) of their candidacy((~~, or~~)) by submitting a petition of nomination as hereinafter provided, not later than five o'clock p.m. on the first Monday in ((~~November~~)) October. Ballots shall contain space ((~~for sticker voting or~~)) for the writing in of the name of an undeclared candidate. Ballots shall be issued by the election board according to the number of votes an elector is entitled to cast. A person filing a declaration of candidacy((~~, or~~)) by submitting a petition of nomination as hereinafter provided, shall designate therein the position for which he or she is a candidate. No ballots on any form other than the official form shall be received or counted.

In any election for directors where the number of votes which may be received will have no bearing on the length of the term to be served, the candidates for the position of director((~~, in lieu of filing a declaration of candidacy hereunder, shall file with the secretary of the district~~)) shall file with the secretary of the district a declaration of their candidacy by submitting a petition of nomination, on a form prescribed by the district, signed by at least ten qualified electors of the district, or of the division if the district has been divided into director divisions, not later than five o'clock p.m. on the first Monday in ((~~November~~)) October. If, after the expiration of the date for filing ((~~petitions of nomination~~)) a declaration of candidacy, it appears that only one qualified candidate has ((~~been nominated thereby~~)) declared their candidacy for each position to be filled it shall not be necessary to hold an election, and the board of directors shall at their next meeting declare such candidate elected as director. The secretary shall immediately make and deliver to such person a certificate of election signed by him or her and bearing the seal of the district. The procedure set forth in this paragraph shall not apply to any other irrigation district elections.

Sec. 8. RCW 87.03.085 and 1987 c 123 s 1 are each amended to read as follows:

(1) Fifteen days before any election held under this chapter, subsequent to the organization of any district, the secretary of the board of directors shall cause notices to be posted in three public places in each election precinct, of the time and place of holding the election. The secretary shall also post a general notice of the same in the office of the board, which shall be established and kept at some fixed place to be determined by the board, specifying the polling places of each precinct. Prior to the time for posting the notices, the board must appoint for each precinct, from the electors thereof, one inspector and two judges, who shall constitute a board of election for the precinct. If the board fails to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour may appoint the board, or supply the place of an absent member thereof. The board of directors must, in its order appointing the board of election, designate the house or place within the precinct where the election must be held. However, in any irrigation district that is less than ((~~two hundred thousand~~)) 200,000 acres in size and is divided into director divisions, the board of directors in its discretion may designate one polling place within the district to serve more than one election precinct. The board of directors of any irrigation district may designate the principal business office of the district as a polling place to serve one or more election precincts and may do so regardless of whether the business office is located within or outside of the boundaries of the district. If the board of directors does designate a single polling place for more than one election precinct, then the election officials appointed by the board of directors may serve more than one election precinct and the election officials may be electors of any of the election precincts for which they are the election board.

(2)(a) The following additional notice requirements apply to districts that qualify and have designated their own treasurer as provided in RCW 87.03.440:

(i) The district must annually notify qualified electors, either by mail, electronic communication, or by posting on the district's website, of the following:

(A) The names of the board of directors and dates their terms expire;

(B) The method and deadline for declaring candidacy under RCW 87.03.075; and

(C) A description of the district voting procedure and how the qualified elector may request an absentee ballot, if the district is not using the mail-in ballot procedure.

(ii) The district will use its assessment roll, toll and charge roll, or other district records to provide notice to known qualified electors and may also use the county assessor's or other public records to assist in determining qualified electors.

(iii) A district that makes water deliveries to an entity which is responsible for paying assessments or tolls and charges and that entity subsequently distributes that water to lands within the entity's jurisdiction is only required to provide the annual notice to the entity paying the assessment or toll and charge.

(iv) Any person who becomes a qualified elector after the annual notice required by this section and before a subsequent election is eligible to vote in the election. Receiving or not receiving the annual notice provided in this section does not affect whether the person or entity is a qualified elector.

(b) Each district must establish and maintain election information on a website, either individually or through the Washington state water resources association, in order to communicate with qualified electors. The website must include, but is not limited to, the names of the board of directors, district election rules provided in this chapter, information on elections including election results, and contact information for the district.

Sec. 9. RCW 87.03.105 and 1889-90 p 676 s 9 are each amended to read as follows:

No list, tally paper or certificate returned from any election shall be set aside or rejected for want of form, if it can be satisfactorily understood. The board of directors must meet at its usual place of meeting on the ((~~first Monday~~)) second Wednesday after each election, to canvass the returns. If, at the time of meeting, the returns from each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns, but if all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six postponements have been had. The canvass must be made in public, and by opening the

returns and estimating the vote of the district for each person voted for, and declaring the result thereof. If an undeclared write-in candidate for a position of director receives the most votes, the board of directors must determine whether that candidate is a qualified elector for that specific position. A qualified elector for the position of director must be 18 years of age, a citizen of the United States, a resident of the division of the district for which the director is being elected, or the designated agent of an entity that owns land within that division. If that candidate is not a qualified elector, the qualified elector receiving the next highest number of votes will be deemed elected to the position.

NEW SECTION. **Sec. 10.** A new section is added to chapter 87.03 RCW to read as follows:

The following election security requirements apply to districts that qualify and have designated their own treasurer as provided in RCW 87.03.440:

(1) At all times when ballots are being controlled including, but not limited to, receipt, opening of ballots, certification, tabulation, reconciliation, or any other type of processing, two individuals not on the ballot must be present.

(2)(a) Each ballot box must be secured and locked, with a deposit slot, and clearly marked as an "official ballot box." Ballot box keys must be provided to district election officials only, or designated district staff if available;

(b) Each ballot box must be closed with tamper-evident seals with a paper seal log:

(i) Each time the box is opened, a new seal log must be signed, with the seal number noted and dated;

(ii) When the box is opened, the previous seal log must be compared to the cut seal and initialed; and

(iii) All seal logs must be retained for six months after the day of the election;

(c) Each ballot box must be physically secured so that it cannot be stolen or moved, and may only be moved by district election officials, or designated district staff if available;

(d) Any election officials or district staff carrying out official ballot or election duties may not be a candidate on the election ballot.

(3)(a) Ballot envelopes may not be opened immediately after voter deposit. Ballot tabulation may only begin after the polls are closed and ballots must be opened in batches, rather than individually;

(b) The number of tabulated ballots must be reconciled with the number of ballots received;

(c) Tabulated ballots must be stored separately from uncounted or challenged ballots as referenced in subsection (4) of this section;

(d) Canvassing of ballots must be open to observation by the public;

(e) Any election officials or district staff participating in the processing of ballots may not be a candidate on the ballot;

(f) Once canvassing of ballots is completed, date and time of the verification of canvassing must be posted in either: (i) The district office, for at least two weeks; (ii) on the district website, for at least two weeks; or (iii) at least once a week for two weeks in one or more newspapers of general circulation within the irrigation district.

(4)(a) Each district must establish a written challenge process in order to allow individuals to challenge the vote of an individual voter;

(b) Written challenge procedures must be established for challenges made by both the public and district election officials or staff, including the time period during which challenges must be made;

(c) Within seven days of the resolution of the challenge, the outcome of the challenge must be posted in either: (i) The district office, for at least two weeks; (ii) on the district website, for at least two weeks; or (iii) at least once a week for two weeks in one or more newspapers of general circulation within the irrigation district.

(5) Each district must establish a written cure procedure for curing errors that occurred during ballot canvassing or are discovered through valid voter challenges, including a clear timeline for when the cure will occur.

(6) Lists and reports of ballots, election outcomes, voter challenges and challenge outcomes, and curing of errors must be maintained by each district for six months after the date of the election and made available to the public.

NEW SECTION. **Sec. 11.** A new section is added to chapter 87.03 RCW to read as follows:

(1) Any person who willfully violates any of the provisions of section 10 (1) through (3) of this act is guilty of a gross misdemeanor punishable under RCW 9A.20.021.

(2) Any person who, without lawful authority, removes a ballot from a polling place or ballot drop location is guilty of a gross misdemeanor punishable under RCW 9A.20.021.

(3) A person is guilty of a gross misdemeanor punishable under RCW 9A.20.021 who knowingly:

(a) Deceives any voter in recording his or her vote by providing incorrect or misleading recording information or by providing faulty election equipment or records; or

(b) Records the vote of any voter in a manner other than as designated by the voter.

Passed by the Senate March 3, 2025.
Passed by the House April 15, 2025.
Approved by the Governor April 30, 2025.
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