

Conservation District Election and Appointment

Motions from the Conservation Commission Meeting

September 20, 2018

At its September 20, 2018 meeting, the Conservation Commission passed a number of election and appointment related motions that will affect future conservation district election and appointment process, policy and procedure. A summary of each motion and its effects is below.

Guidance Policy on Campaigning

Motion: *Motion by Commissioner Beale to adopt the change to the Election and Appointment Manual related to campaigning during an election, as presented and set out by staff. Seconded by Commissioner Crose. Motion passed.*

Background: Commission staff proposed a change to conservation district election policy related to campaigning for inclusion in the Election Manual with accompanying sample policy for conservation districts. During the last election cycle, issues arose around campaigning versus recruiting candidates by conservation district staff and supervisors.

Effect: The following language and sample policy will be included in the Election Manual. Conservation districts may adopt the sample policy related to campaigning during an election:

Language to be added to the Election Manual:

Campaigning is not the same as recruiting candidates. Conservation district staff and supervisors may recruit candidates to serve on the conservation district board in either elected or appointed positions. Candidates for elected positions can come from any segment of society, provided they are qualified district electors and otherwise eligible to serve on the conservation district board. Candidates for appointed positions can come from any segment of society, provided they are registered voters in Washington State and otherwise eligible to serve on the conservation district board. While conservation district supervisors and staff may recruit candidates to serve on the conservation district board, they must not take an official position on an active candidate for an elected position, as per WAC 135-110-150. An active candidate is someone who has submitted PF-A to the conservation district in the current election.

Sample Candidate Recruitment Policy:

Conservation districts are free to set policies related to the recruitment of candidates for conservation district elected and appointed positions, provided those policies are not in violation of the Commission's election and appointment policies and procedures. Below is an example of a policy that could be used related to the recruitment of candidates.

Conservation district staff and supervisors may recruit candidates to serve on the conservation district board in either an elected or appointed positions. Campaigning is not the same as recruiting candidates.

Conservation district staff may distribute informational materials related to their upcoming election, during the normal course of their work duties, provided they do not violate election policy and WAC 135-110-150.

Conservation district supervisors should seek opportunities to recruit candidates to serve on the conservation district board in either an elected or appointed positions, provided that they do not violate election policy and WAC 135-110-150.

When Will This Occur: This change will be made immediately to the Election and Appointment Manual and be in effect for the 2018-2019 election and appointment cycle.

Changes to the Election and Appointment Washington Administrative Code – WAC 135-110

Motion: *Motion by Commissioner Crose to accept staff recommendation authorizing staff to begin the rulemaking process for changes, amendments, and additions to WAC Chapter 135-110. Seconded by Commissioner Smith. Motion passed.*

Background: The Commission's election officer continually catalogues issues and other concerns that arise during election cycles and matches those with possible solutions. Some can be addressed without changing WAC Section 135-110, but others cannot. There are numerous WAC Chapter 135-110 changes, amendments, or additions that will be proposed.

Effect: The Commission's election officer will begin the rulemaking process to amend, change, and make additions to WAC Chapter 135-110. A number of WAC changes have been identified. During the process, conservation districts and the public will have many opportunities to comment on the proposed changes. A committee of Commission staff, conservation district staff, and conservation district supervisors will be formed to create the final set of changes, amendments and additions that will be put forth for formal adoption by the Commission.

When Will This Occur: The Commission's election officer will work to put together the WAC committee. Once that committee has the final set of changes, amendments, and additions, the rulemaking process would begin, which would include additional public input and comment and a public meeting. It is not anticipated that this process will be completed for at least 6-12

months, and therefore would not take effect during the 2018-2019 election and appointment cycle.

Legislation to Amend RCW Chapter 42.56

Motion: *Motion by Commissioner Williams to authorize staff to begin the process to seek a legislative amendment to RCW Chapter 42.56 to exempt email addresses and telephone numbers gathered as part of absentee ballot lists from disclosure. Seconded by Commissioner Cochran. Motion passed.*

Background: During last year's elections, an issue arose around whether or not email addresses and telephone numbers collected as part of absentee ballot request lists were exempt from disclosure under RCW Chapter 42.56.210. It was determined that they were not exempt and therefore subject to disclosure. At that time, the Commission issued a memo discussing this issue (which now has become [Issue Advisory #01-18](#)) and recommending not collecting that information. While the recommendation in the Issue Advisory is a best practice, it is not a final or complete fix to this issue. There is still no exemption that would prohibit the disclosure of email addresses or telephone numbers collected by conservation districts as they administer their elections and collect this information as part of absentee ballot request lists.

Effect: Commission staff will work on legislation amending RCW Chapter 42.56.210 to add an exemption to exempt from disclosure email addresses and telephone numbers collected as part of absentee ballot request lists. An exemption in RCW Chapter 42.56.210 would allow conservation districts to gather email addresses and telephone number of persons who request absentee ballots during elections. Collecting these two items provides efficiency and a way to track requests during the election.

When Will This Occur: Commission staff will immediately be working on the process to make this legislative change. It is anticipated that this change wouldn't take effect during the 2018-2019 election and appointment cycle.

Putting on Hold Establishing a Date Change for Conservation District Elections

Motion: *Motion by Commissioner Smith to make the staff suggested changes to the agency elections WAC and manual and reserve discussion on setting the date for district elections at a future date. Seconded by Commissioner Williams. Motion passed.*

Background: In the past the Commission has discussed changing the date that conservation districts hold elections and setting elections either all during one week or one day.

Effect: The motion made by the Commission puts on hold the discussion about changing the date that elections will be held. It has not been determined when this discussion will resume.

When Will This Occur: The discussion has been suspended immediately and will not affect the 2018-2019 election cycle.