

CDEAC PROPOSED WAC AMENDMENTS

The CDEAC began in September 2018 at the direction of the SCC. It held its first of 5 meetings in January 2019. Its last meeting was July 16, 2019. Its purpose was to fulfill the motion made by the SCC in September 2018 to investigate possible amendments to WAC Chapter 135-110 and RCWs related to conservation district elections. This document is focused solely on proposed WAC amendments. The CDEAC members were SCC staff, CD staff, and CD supervisors.

[More information on the CDEAC can be found on the SCC web page.](#)

July 2019

CHANGE #	WAC SECTION	CURRENT WAC LANGUAGE	PROPOSED LANGUAGE CHANGE	CDEAC COMMENTS	EFFECT OF CHANGE
1	110	"Absentee ballot" or "mail-in ballot" means a ballot issued to a voter before election day that can be delivered to the conservation district or designated election supervisor on or before the day of the election.	"Absentee ballot" or "mail-in ballot" means a ballot issued to a voter before election day that can be delivered to the conservation district or designated election supervisor on or before the day of the election.	Removes this entire definition. There will no longer be any distinction between types of ballots other than a ballot and a provisional ballot.	Ballots will be referred to as either a "ballot" or a "provisional ballot," as defined in the WAC.
2	110	"Declared nominated candidate" and "nominated candidate" means an individual found to be a qualified district elector who is eligible and who has submitted the candidate information required, including a qualified nominating petition, to the conservation district by the filing deadline, and the conservation district has verified the eligibility of the candidate.	"Declared nominated candidate" and "nominated candidate" means an individual found to be a qualified district elector who is eligible and who has submitted the candidate information required, including a qualified nominating petition, to the conservation district by the filing deadline, and the conservation district has verified the eligibility of the candidate.	Removes this entire definition. There will no longer be any distinction between types of candidates beyond those candidates who appear on the ballot and those who do not.	There will only be two types of candidates - those who file their candidate required information before the deadline and those who do not.

3	110	"Declared write-in candidate" means a person seeking the office of elected supervisor who has provided the required candidate information to the conservation district by the filing deadline, and the conservation district has found the person eligible.	"Declared write-in candidate" means a person seeking the office of elected supervisor who has provided the required candidate information to the conservation district by the filing deadline, and the conservation district has found the person eligible.	Removes this entire definition. There will no longer be any distinction between types of candidates beyond those candidates who appear on the ballot and those who do not.	There will only be two types of candidates - those who file their candidate required information before the deadline and those who do not.
4	110	"Nominating petition" means a list of signatures of nominators who desire a candidate's name be placed on the official ballot for a conservation district election.	"Nominating petition" means a list of signatures of nominators who desire a candidate's name be placed on the official ballot for a conservation district election.	Removes this entire definition. Any candidate submitting their required information on time will get their name pre-printed on the ballot.	Nominating petitions will no longer be required to have a candidates' name pre-printed on the ballot.
5	110	"Nominator" means a qualified district elector who signs a petition nominating an individual seeking the office of elected supervisor.	"Nominator" means a qualified district elector who signs a petition nominating an individual seeking the office of elected supervisor.	Removes this entire definition. Nominators are not needed anymore since any candidate who submits their required information on time will get their name pre-printed on the ballot.	Nominators will no longer be required to get a candidates' name printed on the ballot.
6	110	"Qualified nominating petition" means a nominating petition which contains at least twenty-five signatures of nominators.	"Qualified nominating petition" means a nominating petition which contains at least twenty-five signatures of nominators.	Removes this entire definition. Nominating petitions are not needed anymore since any candidate who submits their required information on time will get their name pre-printed on the ballot.	Nominating petitions will no longer be required to get a candidates' name printed on the ballot.

7	110	"Candidate required information" – means the factual information included on the Candidate Information Form	<u>"Candidate required information" – means the factual information included on the Candidate Information Form.</u>	New definition added. There will now be two types of candidate information - required and optional. If the required information is provided prior to the deadline, a candidate will have his or her name pre-printed on the ballot. Optional information is that information a candidate might supply as indicated in WAC 135-110-430.	Clarification only - no discernable change to election procedure or policy.
8	110	"Candidate optional information" – information provided by the candidate about their candidacy.	<u>"Candidate optional information" – information provided by the candidate about their candidacy.</u>	New definition added. There will now be two types of candidate information - required and optional. If the required information is provided prior to the deadline, a candidate will have his or her name pre-printed on the ballot. Optional information is that information a candidate might supply as indicated in WAC 135-110-430.	Clarification only - no discernable change to election procedure or policy.
9	110	"Significant noncompliance" is the failure to follow the requirements in this rule that shall affect the outcome of an election or deny voters their right of privacy in voting.	Definition moved from Section .120 to .110	The definition of "significant noncompliance" should be included in the definition section of the WAC.	Clarification only - no change to election procedure or policy.
10	110	Defintions not numbered.	Numbers will be added for each definition.	Definitions should be numbers for ease of reference	Clarification only - no change to election procedure or policy.
11	120	RELOCATED WAC SECTION	Section moved to later in the WAC Chapter.	This WAC section deals with compliance and it has been moved so that it can be grouped with the sections related to the Commission certification process.	Clarification only - no change to election procedure or policy.

12	130	(1) All election forms and documents submitted to the conservation commission must be copies. Original documents must remain in the care and custody of the conservation district. (2) The conservation commission may inspect original documents upon request.	(1) All election forms and documents submitted to the conservation commission mustshall be copies. Original documents mustshall remain in the care and custody of the conservation district. (2) The conservation commission mayshall inspect original documents upon request.	"Shall" should be used in place of "must," when relevant, for clarification purposes.	Clarification only - no change to election procedure or policy.
13	140	(1) Unissued or undeliverable ballots must be retained for ten days after the election is certified and the official results announced, and then may be destroyed. (2) All ballots submitted by voters, and all candidate filing records (including candidate information, nominating petitions, verification of eligibility, and withdrawals of candidacy), must be retained for six months after the election is certified and the official results announced, and then may be destroyed.	(1) Unissued or undeliverable ballots mustshall be retained for ten days after the election is certified and the official results announced, and then may be destroyed. (2) All ballots submitted by voters, and all candidate filing records (including candidate information, nominating petitions, verification of eligibility, and withdrawals of candidacy), mustshall be retained for six 12 months after the election is certified and the official results announced, and then may be destroyed. (3) The Commission shall abide by the records retention schedule as set out for conservation district elections in the Local Government Common Records Retention Schedule (CORE), as established by the Office of the Secretary of State, Washington State Archives, and its own records retention policy.	The Commission and conservation district must abide by the Local Government Common Records Retention Schedule (CORE).	Change in record retention schedule to match Secretary of State requirements as set out in the Local Government Common Records Retention Schedule (CORE).
14	150	No conservation district supervisors, municipal officers or employees shall adopt or state an official position about any candidate that promotes, or is prejudicial to, a candidate.	No conservation district supervisors, municipal officers or employees mayshall adopt or state an official position about any candidate that promotes, or is prejudicial to, a candidate.	"Shall" should be used in place of "must," when relevant, for clarification purposes.	Clarification only - no change to election procedure or policy.
15	160	The election supervisor and polling officer(s) shall be able to produce the description of the legal boundary of the conservation district to any person at a physical poll site or at the conservation district office.	The election supervisor and polling officer(s) mustshall be able to produce the description of the legal boundary of the conservation district to any person at a physical poll site or at the conservation district office.	"Shall" should be used in place of "must," when relevant, for clarification purposes.	Clarification only - no change to election procedure or policy.
16	170	In the event more than one ballot is submitted by a voter, the first ballot tallied is the only vote counted. Any subsequent ballots from the same voter will be disqualified and must not be counted.	In the event more than one ballot is submitted by a voter, the first ballot tallied is the only vote counted. Any subsequent ballots from the same voter will be disqualified and mustshall not be counted.	"Shall" should be used in place of "must," when relevant, for clarification purposes.	Clarification only - no change to election procedure or policy.

17	180	<p>(1) Behavior that disrupts or interferes with the election of conservation district supervisors is prohibited.</p> <p>(2) A conservation district supervisor, polling officer, or election supervisor may require disruptive persons to leave a physical poll-site election. Such disruptive persons must remain at least three hundred feet away from the polling place or facility where official election functions are being performed.</p> <p>(3) A conservation district supervisor, polling officer, or election supervisor may enlist the aid of law enforcement personnel to assist in identifying disruptive persons and preventing such persons from disrupting or interfering with any election processes.</p>
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(1) Behavior **at the physical polling site** that disrupts or interferes with the election of conservation district supervisors is prohibited.

(2) A conservation district supervisor, polling officer, or election supervisor may require disruptive persons to leave a physical poll-site election. Such disruptive persons **mustshall** remain at least three hundred feet away from the polling place or facility where official election functions are being performed.

(3) A conservation district supervisor, polling officer, or election supervisor mayshall enlist the aid of law enforcement personnel to assist in identifying disruptive persons and preventing such persons from disrupting or interfering with any election processes **at the physical polling site**.

<p>Clarifies that the focus of controlling disruptive behavior is at the poll site.</p>	<p>Clarification only - no change to election procedure or policy.</p>
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18	200	<p>Conservation district must hold election. A conservation district must hold an election during January, February, or March in the year a three-year term of an elected supervisor will expire.</p>	<p>Conservation district mustshall hold election. A conservation district mustshall hold an election during <u>a full calendar week of March, excluding Sunday, January, February, or March</u> in the year a three-year term of an elected supervisor will expire.</p>	<p>District shall hold an election during the first quarter of the year, as per RCW 89.08.190, but this amendment would require that all district hold elections during one week of that first quarter of the year. Sunday is excluded as a day that is not convenient for the public and/or voters. Availability of county auditor staff to assist with CD elections shall be hampered in February. Setting the week during the general election special election date in February would cause confusion. There are 3 options for which week in March to choose - (1) first, (2) second, (3) expanding the one week to the first two weeks in March. MINORITY comment: one member of CDEAC, from Cowlitz and Wahkiakum, wanted it noted that their district do not support this proposal because it does not allow them to hold their election in conjunction with their annual community meetings.</p>	<p>CD elections would be held during one week in March, depending on which option was chosen. Deadlines associated with various election tasks would have to abide by this change.</p>
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19	210	<p>Conservation district must adopt election resolution.</p> <p>(1) Each year the conservation district supervisors must adopt a resolution establishing the election.</p> <p>(2) The election resolution adopted by the conservation district supervisors must include the following information:</p> <p>(a) The name of the conservation district;</p> <p>(b) The date(s), the physical location(s), and the times polls will open and close for each polling place;</p> <p>(c) The election methods selected for the election;</p> <p>(d) A list showing the name of each elected and appointed conservation district supervisor with a term expiring in the election and appointment cycle covered by the resolution;</p> <p>(e) The filing deadline for candidates;</p> <p>(f) Identification of an individual appointed by the conservation district to fulfill the duties of election supervisor; and</p> <p>(g) The dated signature of at least one conservation district supervisor attesting to this information.</p> <p>(3) This information must be provided to the conservation commission by the candidate filing deadline.</p>	<p>Conservation district mustshall adopt election resolution.</p> <p>(1) Each year the conservation district supervisors board mustshall adopt a resolution establishing the election.</p> <p>(2) The election resolution adopted by the conservation district supervisors board mustshall include the following information:</p> <p>(a) The name of the conservation district;</p> <p>(b) For a poll-site election, tThe date(s), the physical location(s), and the times polls will open and close for each polling place;</p> <p>(c) The election methods selected for the election;</p> <p>(d) A list showing the name of each elected and appointed conservation district supervisor with a term expiring in the election and appointment cycle covered by the resolution;</p> <p>(e) The filing deadline for candidates as set out in WAC 135-110-330;</p> <p>(f) Identification of an individual appointed by the conservation district to fulfill the duties of election supervisor; and</p> <p>(g) The dated signature of at least one conservation district supervisor attesting to this information; and</p> <p>(h) A reasonable deadline for voters to request a ballot.</p> <p>(3) This information mustshall be provided to the conservation commission by the candidate filing deadline.</p>	<p>Districts forget to set a deadline for ballot requests because the current WAC section .210 doesn't specifically set out that requirement.</p>	<p>Clarification only - no discernable change to election procedure or policy.</p>
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20	220	<p>(1) Due notice of the intent to adopt a resolution establishing the election must be provided by the conservation district to potential qualified district electors of the conservation district prior to adopting the resolution.</p> <p>(2) Following the conservation district's adoption of the election resolution, due notice containing all election information in the resolution must be published, using the filing deadline as the date for determining compliance with due notice requirements.</p> <p>(3) If a conservation district adopts a standing resolution establishing a repeating annual election schedule, due notice of expiring terms and the filing deadline must be provided to constituents, using the filing deadline as the date for determining compliance with due notice requirements.</p>	<p>(1) Due notice of the intent to adopt a resolution establishing the election must shall be provided by the conservation district to potential qualified district electors of the conservation district prior to adopting the resolution.</p> <p>(1) Not later than 7 days fFollowing the conservation district's adoption of the election resolution, due notice containing all election information in the resolution mustshall be published, using the filing deadline as the date for determining compliance with due notice requirements.</p> <p>(2) If a conservation district adopts a standing resolution establishing a repeating annual election schedule, due notice of expiring terms and the filing deadline mustshall be provided to constituents, using the filing deadline as the date for determining compliance with due notice requirements.</p>	<p>This change eliminates the requirement to public the intent to adopt an election resolution and sets a firm date by which the only remaining notice of the election shall be published. The definition of "due notice" in WAC 135-110-110 shall need to be changed. Discussion should be done with the SCC Communications work group.</p>	<p>Removes the requirement to publish the first election notice - the intent to adopt an election resolution. This would leave just one notice requirement - the notice of the time, place and manner of the election.</p>
21	230	<p>(1) The conservation district supervisors must appoint a person or firm as the election supervisor.</p> <p>(2) The election supervisor:</p> <p>(a) Serves as the primary point of contact between the conservation district and the conservation commission for the conservation district election;</p> <p>(b) Organizes, coordinates, and facilitates election-related activities of the conservation district;</p> <p>(c) Assures that required election procedures are properly conducted; and</p> <p>(d) Assures that required information is properly transmitted to the conservation commission.</p> <p>(3) Conservation district supervisors remain responsible for the conducting the election in compliance with this section.</p>	<p>(1) The conservation district supervisors mustshall appoint a person or firm as the election supervisor.</p> <p>(2) The election supervisor:</p> <p>(a) Serves as the primary point of contact between the conservation district and the conservation commission for the conservation district election;</p> <p>(b) Organizes, coordinates, and facilitates election-related activities of the conservation district;</p> <p>(c) Assures that required election procedures are properly conducted; and</p> <p>(d) Assures that required information is properly transmitted to the conservation commission.</p> <p>(e) Shall be trained in election policy and procedure as per Commission requirements.</p> <p>(3) Conservation district supervisors remain responsible for the conducting the election in compliance with this section.</p> <p>(4) If the election supervisor cannot fulfill his or her duties under WAC Chapter 135-110, the election supervisor shall delegate their responsibilities to another person provided that such a delegation is in accordance with WAC Chapter 135-110.</p>	<p>The first change establishes that one of the duties of the election supervisor is to be trained in election policy and procedure. The second change provides for situations where the election supervisor might be incapacitated or otherwise unable (i.e. caring for a sick relative) immediately before the election and therefore unable to run the election.</p>	<p>Requires the election supervisor to be trained in election policy and procedure and provides a mechanism to delegate the election supervisors duties and responsibilities in times when they cannot perform their duties and responsibilities.</p>

22	240	<p>(1) The conservation district supervisors must shall choose the method of the election using physical poll sites, or by remote methods, or by any combination of these methods that assures fair treatment of candidates and voters, provides privacy in voting, and complies with all other parts of this rule.</p> <p>(2) Every physical poll site must shall be open for at least four consecutive hours at a time convenient for voters, and every physical poll site must shall have at least two polling officers present during the hours the polls are open.</p> <p>(3) Ballots submitted by mail must shall be postmarked no later than the day of the election, or the last day if multiple election days. Ballots submitted by physical delivery must shall be received at the district office by the announced final polling time of the day of election, or the last day if multiple election days. Remote ballots transmitted by any other means must shall be transmitted by the last day of election.</p>	<p>(1) The conservation district supervisors must shall choose the method of the election using physical poll sites, or by remote methods, or by any combination of these methods that assures fair treatment of candidates and voters, provides privacy in voting, and complies with all other parts of this rule.</p> <p>(2) Every physical poll site must shall be open for at least four consecutive hours at a time convenient for voters, and every physical poll site must shall have at least two polling officers present during the hours the polls are open.</p> <p>(3) Ballots submitted by mail must shall be postmarked no later than the day of the election, or the last day if multiple election days. Ballots submitted by physical delivery must shall be received at the district office by the announced final polling time of the day of election, or the last day if multiple election days. Remote ballots transmitted by any other means must shall be transmitted by the last day of election.</p>	<p>There is confusion over if the polls at poll sites shall be open a minimum number of consecutive hours. This change requires each poll site to be open a minimum of four consecutive hours, meaning that a poll site couldn't be open for one hour in the morning and three more in the afternoon. Four consecutive hours helps voters know when the polls are open. Districts are free to set longer hours for the polls to be open (for example, 8 am - 4 pm), or open them at other times for at least four consecutive hours.</p>	<p>Clarifies that each poll site must be open a minimum of four consecutive hours.</p>
23	250	<p>Voting must be accessible. Disabled voters must be offered a voting method accessible to them.</p>	<p>Voting must shall be accessible. Disabled voters must shall be offered a voting method accessible to them.</p>	<p>"Shall" should be used in place of "must," when relevant, for clarification purposes.</p>	<p>Clarification only - no change to election procedure or policy.</p>
24	300	<p>Every candidate must be a qualified district elector. A candidate for election to the office of conservation district supervisor must be a qualified district elector at the time of filing.</p>	<p>Every candidate must shall be a qualified district elector. A candidate for election to the office of conservation district supervisor must shall be a qualified district elector at the time of filing.</p>	<p>"Shall" should be used in place of "must," when relevant, for clarification purposes.</p>	<p>Clarification only - no change to election procedure or policy.</p>

25	320	<p>(1) Only persons who file candidate information with the conservation district by the filing deadline and who are found by the conservation district to be eligible to be elected mayshall be elected, unless no person has filed for the office by the filing deadline.</p> <p>(2) The name of a person who files candidate information by the filing deadline but does not file a qualified nominating petition mustshall not be printed on the official ballot, but mayshall be elected as a declared write-in candidate.</p> <p>(3) Information to be submitted to the conservation district by a person seeking to be a candidate for election mustshall include:</p> <p>(a) The name of the conservation district;</p> <p>(b) The person's name, residential address, mailing address (if different), and phone number;</p> <p>(c) Whether the person is a registered voter in the county where the conservation district is located;</p> <p>(d) Whether the person resides inside the conservation district boundary;</p> <p>(e) Whether the person is a landowner or an operator of a farm; and</p> <p>(f) The dated signature of the person attesting to the accuracy of the information so provided.</p> <p>(4) For purposes of this section, an electronic signature contained in an electronic submittal of the candidate information is acceptable.</p>	<p>(1) Only persons who file candidate information with the conservation district by the filing deadline and who are found by the conservation district to be eligible to be elected mayshall be elected, unless no person has filed for the office by the filing deadline.</p> <p>(2) The name of a person who files candidate information by the filing deadline but does not file a qualified nominating petition mustshall not be printed on the official ballot, but mayshall be elected as a declared write-in candidate.</p> <p>(3) Information to be submitted to the conservation district by a person seeking to be a candidate for election mustshall include:</p> <p>(a) The name of the conservation district;</p> <p>(b) The person's name, residential address, mailing address (if different), and phone number;</p> <p>(c) Whether the person is a registered voter in the county where the conservation district is located;</p> <p>(d) Whether the person resides inside the conservation district boundary;</p> <p>(e) Whether the person is a landowner or an operator of a farm; and</p> <p>(f) The dated signature of the person attesting to the accuracy of the information so provided.</p> <p><u>(4) For purposes of this section, an electronic signature contained in an electronic submittal of the candidate information is acceptable.</u></p>	<p>Some CDs currently allow for potential candidates to submit candidate information electronically. This change would specifically allow for the electronic submittal of the candidate required information.</p>	<p>Allows for the electronic submittal of the candidate required information.</p>
26	330	<p>(1) The filing deadline for candidates is four weeks before election day.</p> <p>(2) By formal action the conservation district supervisors may make the filing deadline on a day more than four weeks before the election.</p>	<p>(1) The filing deadline for candidates <u>is set by the district board and shall be, at a minimum, not less than</u> four weeks before election day.</p> <p><u>(2) By formal action the conservation district supervisors may make the filing deadline on a day more than four weeks before the election.</u></p>	<p>Simplifies language.</p>	<p>Clarification only - no change to election procedure or policy.</p>

27	340	<p>Only nominated candidates may appear on official ballot.</p> <p>(1) A qualified nominating petition is required for each candidate who wishes for his or her name to appear on the official ballot.</p> <p>(2) The qualified nominating petition must contain at least twenty-five signatures of nominators and provide the following information:</p> <p>(a) The name of the conservation district;</p> <p>(b) The name of the candidate;</p> <p>(c) The name and address of each nominator sufficient to allow verification of the nominator as a qualified district elector; and</p> <p>(d) The signature of each nominator, who by his or her signature, states his or her wish for the candidate named in the petition to be placed on the official ballot.(3) For purposes of this section, electronic signatures contained in an electronic submittal of the nominating petition are acceptable.</p>	<p>Only nominated candidates may appear on official ballot.</p> <p>(1) A qualified nominating petition is required for each candidate who wishes for his or her name to appear on the official ballot.</p> <p>(2) The qualified nominating petition must contain at least twenty-five signatures of nominators and provide the following information:</p> <p>(a) The name of the conservation district;</p> <p>(b) The name of the candidate;</p> <p>(c) The name and address of each nominator sufficient to allow verification of the nominator as a qualified district elector; and</p> <p>(d) The signature of each nominator, who by his or her signature, states his or her wish for the candidate named in the petition to be placed on the official ballot.(3) For purposes of this section, electronic signatures contained in an electronic submittal of the nominating petition are acceptable.—</p>	<p>Eliminate this section entirely. This would result in just two types of candidates - those that submit their required candidate information before the deadline and thus their names appear on the ballot, and those who do not. The is no need for a nominating petition anymore.</p>	<p>Nominators and nominating petitions will no longer be required to get a candidates' name printed on the ballot.</p>
28	350	<p>(1) A declared candidate is a qualified district elector who has submitted candidate information to the conservation district by the filing deadline.</p> <p>(2) A declared nominated candidate is a declared candidate who has submitted a qualified nominating petition to the conservation district by the filing deadline.</p> <p>(32) An undeclared write-in candidate is a person who has not submitted candidate information to the conservation district by the filing deadline, and who has not submitted a qualified nominating petition by the filing deadline.</p>	<p>(1) A declared candidate is a qualified district elector who has submitted candidate required information to the conservation district by the filing deadline.</p> <p>(2) A declared nominated candidate is a declared candidate who has submitted a qualified nominating petition to the conservation district by the filing deadline.</p> <p>(32) An undeclared write-in candidate is a person who has not submitted candidate required information to the conservation district by the filing deadline, and who has not submitted a qualified nominating petition by the filing deadline.</p>	<p>Eliminate declared, nominated candidates. This would result in their just being two types of candidates - declared - those that submit their required candidate information before the deadline and thus their names appear on the ballot, and those who do not declared (write-in candidates).</p>	<p>There will be only declared or write-in candidates in CD elections.</p>

29	355	<p>Election supervisor must verify candidate eligibility.</p> <p>(1) The election supervisor must verify the eligibility of each person who submits candidate information required by WAC 135-110-320. The election supervisor may call upon the county auditor or the conservation commission for assistance in verifying eligibility.</p> <p>(2) For a candidate to be eligible, the election supervisor must make a determination that:</p> <p>(a) The name of the person who filed candidate information is the correct legal name of the individual;</p> <p>(b) That the person submitted candidate information by the filing deadline;</p> <p>(c) That the person submitted a valid nominating petition by the filing deadline;</p> <p>(d) That the person was a qualified district elector on the day of filing; and</p> <p>(e) That at least two of the three elected conservation district supervisors on the conservation district board of supervisors will be landowners or operators of farms if the person is elected.</p> <p>(3) For a nominated candidate, the conservation district must also verify that at least twenty-five eligible nominators signed the nominating petition.</p>	<p>Election supervisor mustshall verify candidate eligibility.</p> <p>(1) The election supervisor mustshall verify the eligibility of each person who submits candidate information required by WAC 135-110-320. The election supervisor may call upon the county auditor or the conservation commission for assistance in verifying eligibility.</p> <p>(2) For a candidate to be eligible, the election supervisor mustshall make a determination that:</p> <p>(a) The name of the person who filed candidate information is the correct legal name of the individual;</p> <p>(b) That the person submitted candidate information by the filing deadline;</p> <p>(c) That the person submitted a valid nominating petition by the filing deadline;</p> <p>(cd) That the person was a qualified district elector on the day of filing; and</p> <p>(e) That at least two of the three elected conservation district supervisors on the conservation district board of supervisors will be landowners or operators of farms if the person is elected.</p> <p>(3) For a nominated candidate, the conservation district must also verify that at least twenty-five eligible nominators signed the nominating petition.</p>	<p>This change aligns this section with other new proposed amendments.</p>	<p>Eliminates the requirement to verify nominators or nominating petitions, in line with other newchanges.</p>
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30	360	<p>Undeclared write-in candidate may be elected if no person files.</p> <p>(1) If no person has filed by the filing deadline, or if the election supervisor finds ineligible all persons who filed, then only undeclared write-in candidates may be elected.</p> <p>(2) The undeclared write-in candidate, deemed the unofficial winner, must submit required candidate information to the conservation district, and within four weeks (twenty-eight calendar days) following the first date of election, the election supervisor must verify the eligibility of the unofficial winner to be elected and to serve.</p> <p>(3) If the conservation district is unable to verify eligibility of the unofficial winner within four weeks of the election, the unofficial winner is disqualified. The person receiving the next highest vote count must then submit required candidate information and the conservation district must verify his or her eligibility as described above.</p> <p>(4) If the undeclared write-in candidate who is the unofficial winner is found ineligible and no other persons received votes, the conservation commission will officially announce another full term of office for the incumbent on the third Thursday in May, but only upon verification by the conservation district of the eligibility of the incumbent to serve in the office of elected conservation district supervisor.</p>	<p>Undeclared write-in candidate mayshall be elected if no eligible person files.</p> <p>(1) If no person has filed by the filing deadline, or if the election supervisor finds ineligible all persons who filed, then only undeclared write-in candidates mayshall be elected.</p> <p>(2) The undeclared write-in candidate, deemed the unofficial winner, mustshall submit required candidate information to the conservation district, and within four weeks (twenty-eight calendar days) following the first date of election, and the election supervisor mustshall verify the eligibility of the unofficial winner to be elected and to serve.</p> <p>(3) If the conservation district is unable to verify eligibility of the unofficial winner within four weeks twenty-eight calendar days of the election, the unofficial winner is disqualified. The person receiving the next highest vote count mustshall then submit required candidate information and the conservation district mustshall verify his or her eligibility as described above.</p> <p>(4) If the undeclared write-in candidate who is the unofficial winner is found ineligible and no other persons received votes, the Ceonservation Ceommission will officially announce another full term of office for the incumbent on the third Thursday in May, but only upon verification by the conservation district of the eligibility of the incumbent to serve in the office of elected conservation district supervisor.</p>	Simplifies language.	Clarification only - no change to election procedure or policy.
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31	370	<p>Incumbent automatically reelected if no other person files.</p> <p>(1) The incumbent is automatically reelected to another three-year term if:</p> <p>(a) Due notice of the election resolution has been duly published by the conservation district;</p> <p>(b) The only one person filing by the filing deadline is the incumbent;</p> <p>(c) The conservation district verifies the eligibility of the incumbent to serve another term of office; and</p> <p>(d) The incumbent has not resigned on or before the last date of election.</p> <p>(2) When an incumbent is automatically reelected, no other election activities at physical poll sites or through remote election processes may be performed.</p> <p>(3) Before election day, the conservation district must inform the voting public that the incumbent has been reelected by reason of being the only person filing for the position, and that no poll site, mail, or absentee balloting will be performed, and on election day, signs containing this information must be posted at poll sites.</p> <p>(4) Within four weeks of the first date of election as scheduled in the election resolution, the conservation district must inform the conservation commission of the automatic reelection of the incumbent.</p>	<p>Incumbent <u>Single candidate</u> automatically reelected if no other person files.</p> <p>(1) The incumbent <u>A single candidate</u> is automatically reelected to another three-year term if:</p> <p>(a) Due notice of the <u>adopted</u> election resolution <u>and the information in that resolution has</u> election have been duly published by the conservation district;</p> <p>(b) The o <u>Only one person filed</u> ing by the filing deadline is the incumbent;</p> <p>(c) The conservation district verifies the continued eligibility of the <u>single candidate</u> incumbent to serve another a term of office; and,</p> <p>(d) The incumbent has not resigned on or before the last date of election;</p> <p>(2) When a <u>an incumbent single candidate election occurs</u> is- <u>automatically reelected</u>, no other election activities at physical poll sites or through remote election processes <u>may</u> shall be performed.</p> <p>(3) Before election day, the conservation district <u>must</u> shall inform the voting public that the <u>incumbent single candidate</u> has been reelected by reason of being the only person filing for the position, and that no poll site, mail, or absentee balloting will be performed, and on election day, signs containing this information <u>must</u> shall be posted at poll sites.</p> <p>(4) <u>Not later than 7 business days after the candidate filing deadline</u> Within four weeks of the first date of election as scheduled in the election resolution, the conservation district <u>must</u> shall inform the <u>conservation</u> commission of the automatic <u>reelection</u> of the <u>incumbent</u> single candidate.</p>	<p>CDs want to retain the ability to cancel their election if just one candidate files before the candidate deadline to save costs. This change allows for a CD election to be cancelled if only one candidate applies by the candidate filing deadline. It eliminates the need for that one candidate to be the incumbent. It sets the date for notifying the SCC of a cancelled election to be 7 days after the candidate filing deadline because most CDs forget to notify the SCC of the cancellation under the current section. It clarifys the information the CD needs to publish in its cancellation notice. It aligns this section with other new changes.</p>	<p>Allows for a CD election to be cancelled if only one candidate applies by the candidate filing deadline. Eliminates that need for that one candidate to be the incumbent. Sets the date for notifying the SCC of a cancelled election to be 7 days after the candidate filing deadline. Aligns this seciton with other new changes.</p>
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32	380	<p>Candidate may withdraw candidacy in writing.</p> <p>(1) Before election day, a candidate may withdraw his or her candidacy by submitting a written request to the conservation district.</p> <p>(2) A person who withdraws his or her candidacy is not eligible to be elected in the current election.</p> <p>(3) If a person withdraws his or her candidacy, the conservation district is not required to revise official ballots.</p>	<p>(1) Before election day, a candidate may withdraw his or her candidacy by submitting a written request to the conservation district.</p> <p>(2) A person who withdraws his or her candidacy is not eligible to be elected in the current election.</p> <p>(3) If a person withdraws his or her candidacy, the conservation district is not required to revise official ballots.</p> <p><u>(4) In the event that some, but not all candidates withdraw, the unofficial winner of the election will be the remaining eligible candidate receiving the next highest vote count after all the votes are tallied for each candidate, including those candidates who have withdrawn but remain on the ballot as per Section (3) above.</u></p>	<p>This change clarifies the effect of withdraw on the remaining candidates.</p>	<p>Clarification only - no change to election procedure or policy.</p>
33	380	<p>NEW PROPOSED SECTION</p>	<p><u>New Section: WAC 135-110-385</u> <u>Effect of votes cast for withdrawn, deceased or ineligible candidate.</u> <u>(1) If the name of a deceased, withdrawn, or ineligible candidate appears on the ballot under this chapter, the votes cast for the candidate shall be counted and entered on the official election returns in the same manner as for the other candidates.</u> <u>(2) If the deceased, withdrawn, or ineligible candidate receives the vote required for election, the resulting vacancy shall be filled in the regular manner.</u> <u>(3) If the deceased, withdrawn, or ineligible candidate and another candidate tie for the most votes in an election in which a plurality vote is sufficient for election, the other candidate is considered to be elected. If more than one other candidate is tied with the deceased, withdrawn, or ineligible candidate, the winner of the election shall be determined by resolving the tie between the other candidates in the regular manner for resolving a tie vote in the election as set out in WAC 135-110-730.</u></p>	<p>This section is meant to further clarify what happens when candidates withdraw from the election after ballots have been printed but before Election Day.</p>	<p>Clarification only - no change to election procedure or policy.</p>

34	400	By the first election day, the conservation district must obtain a current list of registered voters from the county auditor for all territory within the conservation district boundary.	By the first election day, the conservation district mustshall obtain a current list of registered voters from the county auditor for all territory within the conservation district boundary.	"Shall" should be used in place of "must," when relevant, for clarification purposes.	Clarification only - no change to election procedure or policy.
35	410	Conservation district must set deadline for requesting absentee and mail-in ballots. To provide sufficient time for voters to obtain and return ballots to the conservation district, the conservation district must set a reasonable deadline for voters to request an absentee or mail-in ballot.	Conservation district mustshall set deadline for requesting absentee and mail-in ballots be mailed or sent . To provide sufficient time for voters to obtain and return ballots to the conservation district, the conservation district mustshall set a reasonable deadline for voters to request an absentee or mail-in ballot be sent or mailed to them .	"Shall" should be used in place of "must," when relevant, for clarification purposes.	Clarification only - no change to election procedure or policy.
36	420	Conservation district must not use certain lists. If a conservation district provides unrequested ballots to a population that is less than all the eligible voters within the conservation district boundary, the conservation district must not use lists obtained from an individual conservation district supervisor or employee, nor from any candidate, nor from any trade, company, church, union, fraternal or other organization.	Conservation district mustshall not use certain lists. If a conservation district provides unrequested ballots to a population that is less than all the eligible voters within the conservation district boundary, the conservation district mustshall not use lists obtained from an individual conservation district supervisor or employee, nor from any candidate, nor from any trade, company, church, union, fraternal or other organization.	"Shall" should be used in place of "must," when relevant, for clarification purposes.	Clarification only - no change to election procedure or policy.

37	430	<p>Conservation district may publish candidate information.</p> <p>(1) To assist voters in the selection of a candidate during voting, a conservation district may publish information provided by nominated and declared write-in candidates.</p> <p>(2) If a conservation district chooses to publish information about candidates, it must provide equal opportunity for publication and equivalent space to each nominated and declared write-in candidate.</p> <p>(3) Candidate information provided by candidates and published by the conservation district may be mailed or delivered to voters before election day, but may not be provided to voters at poll sites on election day.</p>	<p>Conservation district may publish candidate-provided optional information.</p> <p>(1) To assist voters in the selection of a candidate during voting, a conservation district may publish candidate optional information provided by nominated and declared write-in candidates.</p> <p>(2) If a conservation district chooses to publish information about candidates, it mustshall provide equal opportunity for publication and equivalent space to each nominated and declared write-in candidate.</p> <p>(3) Candidate information provided by candidates and published by the conservation district may be mailed or delivered to voters before election day, but mayshall not be provided to voters at poll sites on election day.</p>	<p>This section clarifies that optional information provided by a candidate may be published by a conservation district, subject to certain requirements further set out in this section. Candidate optional information is newly defined in WAC 135-110-110. This section information for publication. Changes to this section also align this section with other new changes.</p>	<p>Clarification only - no change to election procedure or policy.</p>
38	440	<p>Employees and municipal officers of district must not be polling officers.</p> <p>A conservation district supervisor, employee, or municipal officer may not serve as a polling officer in the conservation district election, unless the person is the election supervisor appointed by the conservation district supervisors.</p>	<p>Employees and municipal officers of district mustshall not be polling officers. A conservation district supervisor, employee, intern or municipal officer mayshall not serve as a polling officer in the conservation district election, unless the person is the election supervisor appointed by the conservation district supervisors. Commission employees cannot serve as polling officers.</p>	<p>Clarifies who is eligible to serve as a polling officer. Neither interns of the CD nor SCC employees are eligible to serve. Interns are too closely associated with the CD and thus compromise the appearance of impartiality if allowed to serve, as would SCC employees who are involved with assisting the SCC commissioners with election certification.</p>	<p>Establishes that neither CD interns nor SCC employees are eligible to serve as polling officers.</p>
39	450	<p>(1) During a poll-site election, polling officers must monitor the voting place for compliance with this section, and also serve as guardians of all issued and unissued ballots, under the supervision and direction of the election supervisor.</p> <p>(2) If the election supervisor is present, the election supervisor may also perform these functions as described in WAC 135-110-470.</p>	<p>(1) During a poll-site election, polling officers mustshall monitor the voting place for compliance with this section, and also serve as guardians of all issued and unissued ballots, under the supervision and direction of the election supervisor.</p> <p>(2) If the election supervisor is present, the election supervisor may also perform these functions as described in WAC 135-110-470.</p>	<p>"Shall" should be used in place of "must," when relevant, for clarification purposes.</p>	<p>Clarification only - no change to election procedure or policy.</p>

40	460	<p>(1) A polling officer must verify a voter is a qualified district elector before issuing a ballot to the voter.</p> <p>(2) At a poll-site election, at least two polling officers must be present and in control of the ballot box(es) at all times while the polls are open.</p> <p>(3) At a poll-site election, a provisional ballot must be issued if the voter's eligibility to vote cannot be determined during polling. A voter whose eligibility cannot be determined may only vote on a provisional ballot.</p> <p>(4) Polling officers count votes.</p>	<p>(1) A polling officer mustshall verify a voter is a qualified district elector before issuing a ballot to the voter. <u>If a polling officer cannot verify a voter is a qualified district elector before a ballot is issued, a provisional ballot shall be issued to the voter.</u></p> <p>(2) At a poll-site election, at least two polling officers mustshall be present and in control of the ballot box(es) at all times while the polls are open.</p> <p>(3) At a poll-site election, a provisional ballot mustshall be issued if the voter's eligibility to vote cannot be determined during polling. A voter whose eligibility cannot be determined mayshall only vote on a provisional ballot.</p> <p>(4) Polling officers count votes cast by voters.</p>	Simplifies language.	Clarification only - no change to election procedure or policy.
41	470	<p>Election supervisor may perform polling officer duties.</p> <p>The election supervisor may serve as a polling officer at one poll site.</p>	<p><u>Election supervisor may perform polling officer duties.</u></p> <p><u>The election supervisor may serve as a polling officer at one poll-site.</u></p>	Eliminate this section entirely as it is addressed in other amendments.	Clarification only - no change to election procedure or policy.
42	500	<p>Conservation district must create official ballot.</p> <p>(1) A conservation district must create a ballot and provide a ballot to each person who wishes to vote in the conservation district election.</p> <p>(2) The official ballot must:</p> <p>(a) List the name of each candidate the conservation district has verified as eligible and who has submitted a qualified nominating petition;</p> <p>(b) List names on the ballot in alphabetical order by last name, from top to bottom, with an empty checkbox or blank space next to each candidate's name; and</p> <p>(c) Contain at least one blank line where a voter can enter the name of a declared write-in candidate, or if there are no declared candidates, the name of an undeclared write-in candidate.</p>	<p>Conservation district mustshall create official ballot.</p> <p>(1) A conservation district mustshall create a ballot and provide a ballot to each person who requests a ballotwishes to vote in the conservation district election.</p> <p>(2) The official ballot mustshall:</p> <p>(a) List the name of each candidate the conservation district has verified as eligible and who has submitted a qualified nominating petition;</p> <p>(b) List names on the ballot in alphabetical order by last name, from top to bottom, with an empty checkbox or blank space next to each candidate's name; and</p> <p>(c) Contain at least one blank line where a voter can enter the name of a declared write-in candidate, or if there are no declared candidates, the name of an undeclared write-in candidate.</p>	This change aligns this section with other new proposed amendments, specifically those associated with the two types of candidates.	Clarifies the requirements related to printing the ballot.

43	515	<p>Conservation district must make ballots available.</p> <p>(1) The conservation district must provide a ballot to any person who requests a ballot.</p> <p>(2) The conservation district may make ballots available to all potential voters within the conservation district.</p> <p>(3) Ballots may be provided electronically if a suitable means of determining voter eligibility and preventing voter fraud are utilized.</p> <p>(4) The conservation district may send or provide ballots to all individuals who, in the three years preceding the election, have voted in a conservation district election or have participated in conservation district services or programs.</p>	<p>Conservation district must make ballots available.</p> <p>(1) The conservation district must provide a ballot to any person who requests a ballot.</p> <p>(2) The conservation district may make ballots available to all potential voters within the conservation district.</p> <p>(3) Ballots may be provided electronically if a suitable means of determining voter eligibility and preventing voter fraud are utilized.</p> <p>(4) The conservation district may send or provide ballots to all individuals who, in the three years preceding the election, have voted in a conservation district election or have participated in conservation district services or programs.</p>	<p>Eliminate this section entirely as it is addressed in other amendments.</p>	<p>Clarification only - no change to election procedure or policy.</p>
44	520	<p>Absentee ballots must be provided on request.</p> <p>(1) Absentee ballots must be provided to eligible voters upon request, and voters need not provide proof of any special condition to obtain an absentee ballot.</p> <p>(2) Absentee ballots may be returned to the conservation district by mail, by personal delivery, or by electronic means previously approved by the election supervisor.</p>	<p>Absentee Bballots mustshall be provided on request.</p> <p>(1) Absentee Bballots mustshall be provided to eligible voters upon request, and voters need not provide proof of any special condition to obtain an absentee ballot.</p> <p>(2) Absentee Bballots may be returned to the conservation district by mail, by personal delivery, or by electronic means previously approved by the election supervisor.</p> <p>(3) Ballots may be provided electronically if a suitable means of determining voter eligibility and preventing voter fraud are utilized.</p> <p>(4) At a poll-site election, a provisional ballot shall be provided to any individual wishing to vote when the individual cannot be verified as eligible to vote prior to the issuance of a ballot.</p>	<p>This change aligns this section with other new proposed amendments, and places language take from other WAC sections here.</p>	<p>Clarification only - no change to election procedure or policy.</p>
45	530	<p>Provisional ballots must be provided when voter eligibility is in question.</p> <p>At a poll-site election, a provisional ballot must be provided to any individual wishing to vote when the individual cannot be verified as eligible to vote prior to the issuance of a ballot.</p>	<p>Provisional ballots must be provided when voter eligibility is in question.</p> <p>At a poll-site election, a provisional ballot must be provided to any individual wishing to vote when the individual cannot be verified as eligible to vote prior to the issuance of a ballot.</p>	<p>Eliminate this section entirely as it is addressed in other amendments.</p>	<p>Clarification only - no change to election procedure or policy.</p>
46	540	<p>Functional equivalent of paper ballot required.</p> <p>For electronic voting, the functional equivalent of a paper ballot must be utilized.</p>	<p>Functional equivalent of paper ballot required.</p> <p>For electronic voting, the functional equivalent of a paper ballot must be utilized.</p>	<p>Eliminate this section entirely as it is addressed in other amendments.</p>	<p>Clarification only - no change to election procedure or policy.</p>

47	550	<p>Poll lists must be used.</p> <p>(1) In every conservation district election, the conservation district must create a record of who has submitted a ballot and whether the person was found eligible or ineligible to vote.</p> <p>(2) Each poll list must contain:</p> <p>(a) The name of the conservation district;</p> <p>(b) Whether the poll list is for a poll-site or mail-in election, and if a poll-site election, the location of the poll site and the date of polling must be specified;</p> <p>(3) For poll lists at poll sites, each voter must provide:</p> <p>(a) His or her name, sufficient to allow identification in the voter registration list;</p> <p>(b) An address sufficient to allow identification in the voter registration list; and</p> <p>(c) The signature of the voter.</p> <p>(4) For poll lists in mail-in elections, the name and address of the voter must be recorded.</p>	<p>Poll lists mustshall be used.</p> <p>(1) In every conservation district election, the conservation district mustshall create a record of who has submitted a ballot and whether the person was found eligible or ineligible to vote.</p> <p>(2) Each poll list mustshall contain:</p> <p>(a) The name of the conservation district;</p> <p>(b) Whether the poll list is for a poll-site or mail-in election, and if a poll-site election, the location of the poll site and the date of polling mustshall be specified;</p> <p>(3) For poll lists at poll sites, each voter mustshall provide:</p> <p>(a) His or her name, sufficient to allow identification in the voter registration list;</p> <p>(b) An address sufficient to allow identification in the voter registration list; and</p> <p>(c) The signature of the voter.</p> <p>(4) For poll lists in mail-in elections, the name and address of the voter mustshall be recorded.</p>	Simplifies language.	Clarification only - no change to election procedure or policy.
48	560	<p>Mail-in, absentee, and provisional ballots must be double-envelope balloting.</p> <p>Ballots cast in a mail-in election, or as a paper absentee ballot, or as a paper provisional ballot, must use a double-envelope paper balloting system, in which:</p> <p>(1) The voter places the completed ballot inside the inner envelope;</p> <p>(2) The inner envelope is sealed to prevent tampering, and no personally identifying marks are to be placed on the inner envelope;</p> <p>(3) The inner envelope containing the completed ballot is placed in the outer envelope; and</p> <p>(4) The voter provides sufficient identifying information on, or inserted into, the outer envelope to allow polling officers to verify the eligibility of the voter.</p>	<p>Mail-in, absentee, and provisional bBallots mustsecurity be double-envelope balloting:</p> <p>Ballots cast in a mail-in election, or as a paper absentee ballot, or as a paper provisional ballot, mustshall use a double-envelope paper balloting system, in which:</p> <p>(1) The voter places the completed ballot inside the inner envelope;</p> <p>(2) The inner envelope is sealed to prevent tampering;i.</p> <p>(3) and nNo personally identifying marks are to be placed on the inner envelope;</p> <p>(4)3 The inner envelope containing the completed ballot is placed in the outer envelope; and</p> <p>(5)4 The voter provides sufficient identifying information on, or inserted into, the outer envelope to allow polling officers to verify the eligibility of the voter.</p> <p>(6) For electronic voting, the functional equivalent of a paper ballot must be used to assure security.</p>	This change aligns this section with other new proposed amendments, and simplifies language.	Clarification only - no change to election procedure or policy.
49	570	<p>Election supervisor safeguards ballots except in a poll-site election.</p> <p>Ballots cast by mail-in or absentee methods are to be received and safeguarded by the election supervisor.</p>	<p>Election supervisor safeguards ballots except in a poll-site election:</p> <p>Ballots cast by mail-in or absentee methods are to be received and safeguarded by the election supervisor.</p>	The election supervisor is charged with the overall safeguarding of ballots.	Clarifies the role of the election supervisor.

50	580	No poll site selected by the conservation district may appear on the county auditor's list of inaccessible polling sites as described in RCW 29A.16.140.	Every poll site shall be accessible, as described in No poll site selected by the conservation district may appear on the county auditor's list of inaccessible polling sites as described in RCW 29A.16.140<u>29A.40.160(5)</u>.	Simplifies language and updates the RCW to the correct reference.	Clarification only - no change to election procedure or policy.
51	600	Electioneering prohibited. (1) On election day, information provided by candidates may not be provided to voters within three hundred feet of the poll site. (2) Names of nominated and declared write-in candidates must not be publicly posted at the polls.	Electioneering prohibited at poll sites . (1) On election day, information provided by candidates mayshall not be provided to voters within three hundred feet of the poll site. (2) Neither candidate required information nor candidate optional information Names of nominated and declared write-in candidates mustshall not be publicly posted at the poll site or poll sites .	Simplifies language and aligns this section with other new proposed amendments.	Clarification only - no change to election procedure or policy.
52	610	Every voter must be verified as eligible. (1) Every individual requesting a ballot for any conservation district election must be verified as a qualified district elector before his or her ballot is counted. (2) At a poll-site election, a provisional ballot must be issued if the voter's eligibility to vote cannot be determined during polling and the individual wishes to vote.	Every voter mustshall be verified as eligible. (1) Every individual requesting a ballot for any conservation district election mustshall be verified as being cast by or returned by as a qualified district elector before the his-or-her ballot is counted. (2) At a poll-site election, a provisional ballot must be issued if the voter's eligibility to vote cannot be determined during polling and the individual wishes to vote.	Under existing election procedure, voters are not required to be verified as qualified district electors before they are sent a ballot. The Election Manual says that an eligible voter should declare their eligibility to the CD before a request for a ballot can be fulfilled by the CD. The declaration by the voter can be done in writing, electronically, or orally. Currently, a request for a ballot can be made in person, in writing, by telephone, or electronically, by the voter, a family member, or a registered domestic partner. Only one ballot request per voter can be made. Changes to the Election Manual could be made to eliminate the option of anyone other than the voter requesting a ballot.	Clarifies who can request a ballot and that each request can be made by just one voter.

53	620	<p>Conservation district must provide polling officers at each poll site.</p> <p>The conservation district must provide at least two polling officers at each poll site, except the election supervisor may substitute for one polling officer at one poll site.</p>	<p>Conservation district mustshall provide polling officers at each poll site.</p> <p>The conservation district mustshall provide at least two polling officers at each poll site, except the election supervisor or their designee may substitute for one polling officer at one poll site.</p>	<p>The election supervisor needs the ability to designate someone to act on their behalf to serve as a polling officer, if that need arises. This edit clearly allows for that.</p>	<p>Allows for the election supervisor to designate another to serve as polling officer.</p>
54	630	<p>Each poll site must have ballot box and signage.</p> <p>(1) Each poll site must have at least one ballot box.</p> <p>(2) Each poll site must be conspicuously identified to voters as the place to vote.</p>	<p>Each poll site mustshall have ballot box and signage.</p> <p>(1) Each poll site mustshall have at least one ballot box.</p> <p>(2) Each poll site mustshall be conspicuously identified to voters as the place to vote.</p>	<p>Simplifies language.</p>	<p>Clarification only - no change to election procedure or policy.</p>
55	640	<p>Conservation district must assure privacy in voting.</p> <p>(1) The ballot choice made by a voter must not be seen by any other person during the act of voting or the placing of the ballot in the ballot box.</p> <p>(2) Paper ballots must be placed into ballot boxes. Electronic ballots must assure at least the same level of security and privacy as provided by paper balloting.</p>	<p>Conservation district mustshall assure privacy in voting.</p> <p>(1) The ballot choice made by a voter mustshall not be seen by any other person during the act of voting or the placing of the ballot in the ballot box. <u>except in circumstances necessary to allow a disabled voter to cast their ballot, as set out in WAC 135-110-250.</u></p> <p>(2) Paper ballots mustshall be placed into ballot boxes. Electronic ballots mustshall assure at least the same level of security and privacy as provided by paper balloting.</p>	<p>Simplifies language and aligns this section with other new proposed amendments.</p>	<p>Clarification only - no change to election procedure or policy.</p>
56	650	<p>(1) Polling officers are to close the polls at the published time, unless the polls are extended by the election supervisor.</p> <p>(2) The election supervisor may extend the time polls are open, if needed to accommodate voters.</p> <p>(3) Persons waiting in line at a poll site when the polls are scheduled to be closed must be allowed to check in and vote.</p> <p>(4) Poll times may not be less than advertised unless the incumbent was automatically reelected as allowed under WAC 135-110-370.</p>	<p>(1) The polls shall be closed Poling officers are to close the polls at the published time, unless the polls are extended by the election supervisor.</p> <p>(2) If the election supervisor may extends the time polls are open, if needed, to accommodate voters.</p> <p>(23) Persons waiting in line at a poll site when the polls are scheduled to be closed mustshall be allowed to check in and vote.</p> <p>(34) Poll times mayshall not be less than advertised unless the incumbent was automatically reelected as allowed under WAC 135-110-370.</p>	<p>Simplifies language.</p>	<p>Clarification only - no change to election procedure or policy.</p>
57	700	<p>(1) Only polling officers and the election supervisor may open and count ballots.</p> <p>(2) Mail-in and provisional ballots must be verified as having been submitted by a qualified district elector before the outer envelope is opened, and upon verification, the outer envelope must be opened and set aside, and the inner envelope placed into the ballot box.</p>	<p>(1) Only polling officers and the election supervisor may open and count ballots.</p> <p>(2) Mail-in and provisional Bballots mustshall be verified as having been submitted by a qualified district elector before the outer envelope is opened, and upon verification, the outer envelope mustshall be opened and set aside, and the inner envelope placed into the ballot box.</p>	<p>Simplifies language.</p>	<p>Clarification only - no change to election procedure or policy.</p>

58	710	Ballots cast in a poll-site election are to remain in the custody and control of polling officers until all ballots have been counted and properly tallied.	Ballots cast in a poll-site election are to shall remain in the custody and control of polling officers until all ballots have been counted and properly tallied.	Simplifies language.	Clarification only - no change to election procedure or policy.
59	720	(1) Polling officers may announce the unofficial results of the election, subject to certification and official announcement by the conservation commission. (2) The unofficial winner is known as the supervisor-elect and may not be seated until after the conservation commission certifies the election and announces the official winner.	(1) Polling officers may announce the unofficial results of the election, subject to certification and official announcement by the conservation commission. (2) The unofficial winner is known as the supervisor-elect and mayshall not be seated until after the ce conservation ce ommission certifies the election and announces the official winner.	Simplifies language.	Clarification only - no change to election procedure or policy.
60	730	(1) In the case of two or more candidates receiving the most votes, and each receives an equal number of votes, polling officers must recount the ballots. (2) If a tie is verified by the recount, the winner of the election must be determined by drawing of names as provided under RCW 29A.60.221 to ensure the drawing is equitable to all affected candidates. (a) If no more than two candidates are tied, a coin toss may be used in lieu of drawing names to determine the unofficial winner. (b) If more than two candidates are tied, only a drawing of names may be used to determine the unofficial winner. (c) A representative of the conservation commission must be present for any drawing of names or coin toss. (d) The candidate whose name is drawn (or who wins the coin toss) becomes the supervisor-elect.	(1) In the case of two or more candidates receiving the most votes, and each receives an equal number of votes, polling officers mustshall recount the ballots, as directed by the election supervisor . (2) If a tie is verified by the recount, the winner of the election mustshall be determined by drawing of names as provided under RCW 29A.60.221 to ensure the drawing is equitable to all affected candidates. (a) If no more than two candidates are tied, a coin toss may be used in lieu of drawing names to determine the unofficial winner. (b) If more than two candidates are tied, only a drawing of names may be used to determine the unofficial winner. (be) A representative of the conservation commission mustshall be present for any drawing of names or coin toss. (cd) The candidate whose name is drawn (or who wins the coin toss) becomes the supervisor-elect.	Simplifies language.	Clarification only - no change to election procedure or policy.

61	740	<p>(1) When no eligible candidate is elected, the conservation commission will officially announce another full term of office for the incumbent on the third Thursday in May, but only upon verification by the conservation district of the eligibility of the incumbent to serve in the office of elected conservation district supervisor.</p> <p>(2) If the conservation district determines the incumbent conservation district supervisor is no longer eligible to serve in the office of elected conservation district supervisor, or if the incumbent has resigned, the position is deemed vacant and the conservation district may appoint an eligible successor following the official announcement by the conservation commission.</p>	<p>(1) When no eligible candidate is elected, the conservation commission will officially announce another full term of office for the incumbent on the third Thursday in May, but only upon verification by the conservation district of the eligibility of the incumbent to serve in the office of elected conservation district supervisor.</p> <p>(2) If the conservation district determines the incumbent conservation district supervisor is no longer eligible to serve in the office of elected conservation district supervisor, or if the incumbent has resigned, the position is deemed vacant and the conservation district may appoint an eligible successor following the official announcement by the conservation commission.</p>	<p>Simplifies language and aligns this section with other new proposed amendments.</p>	<p>Clarification only - no change to election procedure or policy.</p>
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62	750	<p>Ballot results must be reported.</p> <p>(1) The results of balloting must be reported to the conservation commission within twenty-eight days of the election.</p> <p>(2) Ballot results must be reported separately for each poll site, for each mail-in or remote election, and for all absentee ballots. If the same poll site is open on more than one day, separate reports for each day are required.</p> <p>(3) Information provided about the election must include:</p> <p>(a) The name of the conservation district; and</p> <p>(b) Whether the report is for a specific poll site or for a mail-in election, and if for a poll site, the location of the poll site and the date of polling must be specified.</p> <p>(4) Information provided about candidates must include:</p> <p>(a) The name of each candidate; and</p> <p>(b) For each candidate, the number of eligible votes counted and the total number of votes cast for the person.</p> <p>(5) The total number of ballots invalidated must be reported.</p> <p>(6) The conservation district must identify the unofficial winner and whether the unofficial winner is a nominated candidate, a declared write-in candidate, or an undeclared write-in candidate.</p> <p>(7) The ballot results report must be signed and dated by the polling officers who counted the ballots. If the election supervisor participated in counting ballots, the election supervisor must also sign the report.</p>	<p>Ballot results mustshall be reported.</p> <p>(1) The results of balloting mustshall be reported to the Cconservation Commission within twenty-eight seven days of the election, unless, after consultation with the Conservation Commission, the election supervisor determines more time is needed.</p> <p>(2) Ballot results mustshall be reported separately for each poll site, for each mail-in or remote election, and for all absentee ballots. If the same poll site is open on more than one day, separate reports for each day are required.</p> <p>(3) Information provided about the election mustshall include:</p> <p>(a) The name of the conservation district; and</p> <p>(b) Whether the report is for a specific poll site or for a mail-in election, and if for a poll site, the location of the poll site and the date of polling mustshall be specified.</p> <p>(4) Information provided about candidates mustshall include:</p> <p>(a) The name of each candidate; and</p> <p>(b) For each candidate, the number of eligible votes counted and the total number of votes cast for the person.</p> <p>(5) The total number of ballots invalidated mustshall be reported.</p> <p>(6) The conservation district mustshall identify the unofficial winner and whether the unofficial winner is a nominated candidate, a declared write-in candidate, or an undeclared write-in candidate.</p> <p>(7) The ballot results report mustshall be signed and dated by the polling officers who counted the ballots. If the election supervisor participated in counting ballots, the election supervisor mustshall also sign the report.</p>	<p>Reduces the time to report preliminary election results to the Conservation Commission from 28 days to 7. Simplifies language.</p>	<p>Clarification only - no change to election procedure or policy.</p>
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63	760	<p>Conservation commission canvasses returns, determines compliance, announces winners.</p> <p>(1) The conservation commission must canvass the returns of conservation district elections to verify election results and to determine if the election was properly conducted according to the requirements in these procedures.</p> <p>(2) The conservation commission must announce the official election results for each conservation district election the conservation commission has certified as being substantially in compliance with this rule. The conservation commission may decline to announce the official results of elections found not to be substantially in compliance with this rule.</p> <p>(3) The conservation commission must act on elections for full-term positions annually at its regular meeting on the third Thursday in May.</p> <p>(4) Action at any other time will be for short terms of office or for any other reason that the conservation commission deems such later action to be necessary.</p>	<p>Conservation Cconservation commission canvasses returns, determines compliance, announces winners.</p> <p>(1) The Cconservation Cconservation mustshall canvass the returns of conservation district elections to verify election results and to determine if the election was properly conducted according to the requirements in these procedures.</p> <p>(2) The Cconservation Cconservation mustshall announce the official election results for each conservation district election the Cconservation Cconservation has certified as being substantially in compliance with this rule. The Cconservation Cconservation may decline to announce the official results of elections found not to be substantially in compliance with this rule.</p> <p>(3) The conservation commission must act on elections for full-term positions annually at its regular meeting on the third Thursday in May-</p> <p>(34) Action at any other time will be for short terms of office or for any other reason that the Cconservation Cconservation deems such later action to be necessary.</p>	Simplifies language.	Clarification only - no change to election procedure or policy.
64	770	<p>(1) Elections are final when certified by the conservation commission and the official results are announced by the conservation commission in May of each year or later as deemed necessary.</p> <p>(2) A candidate may not perform the duties of a conservation district supervisor before the third Thursday in May and until the conservation commission has announced that person as the official winner of a conservation district election, unless the person is an incumbent conservation district supervisor.</p>	<p>(1) Elections are final when certified by the conservation commission and the official results are announced by the conservation commission in May of each year or later as deemed necessary.</p> <p>(2) A candidate mayshall not perform the duties of a conservation district supervisor before the third Thursday in May and until the conservation commission has announced that person as the official winner of a conservation district election, unless the person is an incumbent conservation district supervisor.</p>	Simplifies language.	Clarification only - no change to election procedure or policy.
65	780	<p>Declaration voiding an election.</p> <p>The office held by a conservation district supervisor is vacant upon the decision of a competent tribunal declaring his or her election to be void.</p>	<p>Declaration voiding an election.</p> <p>The office held by a conservation district supervisor is vacant upon the decision of a court of competent jurisdiction-tribunal declaring his or her election to be void.</p>	Moves existing WAC 135-110-950 here, to a new numbered WAC section more closely aligned by subject, and changes "tribunal" to court of competent jurisdiction".	Clarification only - no change to election procedure or policy.

66	790	NEW PROPOSED SECTION	<p><u>Procedure for contesting elections.</u></p> <p><u>(1) Written complaints regarding conservation district elections shall be received by the Commission using an on-line form no later than April 30th.</u></p> <p><u>(2) Complaints will be forwarded to the Executive Director.</u></p> <p><u>(3) The Executive Director will notify the Chair and Vice-Chair of the Commission, the Chair of the affected district, and Commission staff assigned to that district and the Commission's elections officer that a complaint has been filed with the Commission.</u></p> <p><u>(4) The Executive Director will inform the Chair and Vice-Chair of the Commission of the estimated length of the investigation, and will provide updates on the status of the investigation as needed.</u></p> <p><u>(a) The Commission's elections officer will investigate the complaint. The investigation shall include personal interviews with the person filing the complaint, the district board, appropriate district staff, polling officers, and members of the public.</u></p> <p><u>(b) When the investigation is completed, the Commission's elections officer shall make a report to the Executive Director of the results of the investigation.</u></p> <p><u>(5) The Executive Director shall review the report of the investigation and make a determination that:</u></p> <p><u>(a) The complaint does not rise to the level of significant non-compliance with election procedure sufficient to warrant the non-certification of the election, as per WAC 135-110-790, or</u></p> <p><u>(b) The complaint does rise to the level of significant non-compliance with election procedure sufficient to warrant the non-certification of the election, as per WAC 135-110-790.</u></p> <p><u>(6) If the Executive Director determines that:</u></p> <p><u>(a) The complaint does not rise to the level of significant non-compliance with election procedure sufficient to warrant the non-certification of the election, the Executive Director may recommend that the election be certified and announced by the Commission.</u></p> <p><u>(b) The complaint does rise to the level of significant non-compliance with election procedure sufficient to warrant the non-certification of the election, the Executive Director may recommend that the election not be certified and announced, and request that the district hold another election as per the procedure in WAC 135-110-950.</u></p>	<p>The Commission currently has a procedure for contesting elections or investigating election complaints, but it is not written in policy or procedure. This WAC establishes the procedure for contesting current elections.</p>	<p>Establishes the procedure for contesting current elections.</p>
67	795	RELOCATED WAC SECTION	<p><u>Compliance.</u></p> <p><u>(1) The Conservation Commission shall make a determination of significant noncompliance when parties act in variance of this section.</u></p> <p><u>(2) Significant noncompliance is the failure to follow the requirements in this rule that shall affect the outcome of an election or deny voters their right of privacy in voting.</u></p> <p><u>(3) The conservation commission shall decline to certify an election found in significant noncompliance. If the Conservation Commission certifies an election found to be in significant noncompliance, the Commission shall provide written rationale.</u></p>	<p>Moves existing WAC 135-110-120 here, to a new numbered WAC section more closely aligned by subject.</p>	<p>Clarification only - no change to election procedure or policy.</p>

68	800	<p>(1) A conservation district may change the date(s) or location(s) or times for poll sites only in an emergency.</p> <p>(2) The election supervisor may declare an emergency when adverse conditions may negatively affect the health or safety of voters or the timely return of absentee ballots. Such conditions may include, but are not limited to:</p> <ul style="list-style-type: none"> (a) Weather conditions; (b) Damage to roads, buildings, or other infrastructure; (c) Chemical spills; (d) Fire and smoke; (e) Volcanic eruption, earthquake, landslides, mudflows, and floods; or (f) Disruptions in information network infrastructure. <p>(3) When an emergency is so declared, the election supervisor should make reasonable efforts to inform all conservation district supervisors and candidates listed on the ballot.</p>	<p>(1) A conservation district may change the date(s) or location(s) or times for poll sites only in an emergency.</p> <p>(2) The election supervisor may declare an emergency when adverse conditions may negatively affect the health or safety of voters or the timely return of absentee ballots. Such conditions may include, but are not limited to:</p> <ul style="list-style-type: none"> (a) Weather conditions; (b) Damage to roads, buildings, or other infrastructure; (c) Chemical spills; (d) Fire and smoke; (e) Volcanic eruption, earthquake, landslides, mudflows, and floods; or (f) Disruptions in information network infrastructure. <p>(3) When an emergency is so declared, the election supervisor should make reasonable efforts to inform all conservation district supervisors and candidates listed on the ballot.</p> <p><u>(4) The Conservation Commission shall be informed of all emergency changes to poll locations or dates before voting begins.</u></p>	<p>Adds duty to inform the Commission in the event of an emergency which causes change in the election.</p>	<p>Adds duty to inform the Commission.</p>
69	810	<p>(1) When a polling site is changed in response to an emergency, signage sufficient to notify potential voters must be provided to redirect voters to the new polling site(s). Poll times should be extended to allow for additional travel time to the relocated polls.</p> <p>(2) When the election date or location is changed in response to an emergency, due notice should be given to the public of the change. If due notice is not possible, the conservation district must take reasonable measures to inform the public of the change. Such measures may include, but are not limited to: Announcements on local radio or television; posting on web pages; announcements in newspapers; and posting of handbills or flyers.</p>	<p>(1) When a polling site is changed in response to an emergency, signage sufficient to notify potential voters mustshall be provided to redirect voters to the new polling site(s). Poll times should be extended to allow for additional travel time to the relocated polls.</p> <p>(2) When the election date or location is changed in response to an emergency, due notice should be given to the public of the change. If due notice is not possible, the conservation district mustshall take reasonable measures to inform the public of the change. Such measures may include, but are not limited to: Announcements on local radio or television; posting on web pages; announcements in newspapers; and posting of handbills or flyers.</p>	<p>Simplifies language.</p>	<p>Clarification only - no change to election procedure or policy.</p>
70	820	<p>Conservation commission to be informed. The conservation commission must be informed of all emergency changes to poll locations or dates before voting begins.</p>	<p>Conservation commission to be informed. The conservation commission must be informed of all emergency changes to poll locations or dates before voting begins.</p>	<p>Eliminate this section entirely as it is addressed in other amendments.</p>	<p>Clarification only - no change to election procedure or policy.</p>

71	900	<p>Only vacant offices may be filled.</p> <p>The office of conservation district supervisor may not be filled by election or appointment unless the term of office has expired, or the position has been immediately vacated as described in this section, or the conservation commission has declared the position vacant.</p>	<p>Only vacant offices mayshall be filled.</p> <p>The office of conservation district supervisor mayshall not be filled by election or appointment unless the term of office has expired, or the position has been immediately vacated as described in this section, or the Conservation Commission has declared the position vacant.</p>	Simplifies language.	Clarification only - no change to election procedure or policy.
72	910	<p>Supervisors must be eligible to serve.</p> <p>(1) A conservation district supervisor must be eligible to serve in the office of conservation district supervisor throughout the term of office.</p> <p>(2) If an incumbent no longer meets the minimum eligibility requirements to serve as a conservation district supervisor, the office is deemed vacant.</p>	<p>Supervisors mustshall be eligible to serve.</p> <p>(1) A conservation district supervisor mustshall be eligible to serve in the office of conservation district supervisor throughout the term of office.</p> <p>(2) If an incumbent no longer meets the minimum eligibility requirements to serve as a conservation district supervisor, the office is deemed vacant.</p>	Simplifies language.	Clarification only - no change to election procedure or policy.
73	920	<p>(1) A conservation district supervisor may resign from public office at any time, and for any reason.</p> <p>(2) Resignations must be made in writing to the conservation commission or to the conservation district.</p> <p>(3) Resignations are effective on the date received, unless the incumbent has specified a future date for the resignation to become effective</p>	<p>(1) A conservation district supervisor may resign from public office at any time, and for any reason.</p> <p>(2) Resignations mustshall be made in writing to the Conservation Commission or to the conservation district.</p> <p>(3) Resignations are effective on the earliest date received, unless the incumbent has specified a future date for the resignation to become effective.</p>	Simplifies language and clarifies the resignation process.	Clarifies when resignations become effective.
74	950	RELOCATED WAC SECTION	Section moved to earlier in the WAC Chapter.	This WAC section deals with declaring an election void and has been moved to where it is more relevant with similar WAC sections.	Clarification only - no change to election procedure or policy.

75	960	<p>(1) As provided in RCW 89.08.200, a conservation district supervisor may be removed from office by the conservation commission governing board upon notice and hearing for neglect of duty or malfeasance.</p> <p>(2) The conservation commission must provide notice to the supervisor detailing the specific elements of the neglect of duty or malfeasance for which removal is sought. The supervisor shall be given the opportunity to respond in writing to the elements contained in the notice within thirty days of the notice to the supervisor from the conservation commission. Notice to the supervisor from the conservation commission shall be by certified mailing to the address of record for that supervisor.</p> <p>(3) The conservation commission must hold at least one public hearing no earlier than sixty days from the date of certified mailing to the supervisor in the area served by the conservation district supervisor before acting to remove the incumbent from office.</p> <p>(4) Following the public hearing, the conservation commission shall vote on the removal of the supervisor based on official findings of fact detailing the cause or causes of removal.</p>	<p>(1) As provided in RCW 89.08.200, a conservation district supervisor may be removed from office by the Conservation Commission governing board upon notice and hearing for neglect of duty or malfeasance.</p> <p>(2) The Conservation Commission mustshall provide notice to the supervisor detailing the specific elements of the neglect of duty or malfeasance for which removal is sought. The supervisor shall be given the opportunity to respond in writing to the elements contained in the notice within thirty days of the notice to the supervisor from the Conservation Commission. Notice to the supervisor from the Conservation Commission shall be by certified mailing to the address of record for that supervisor.</p> <p>(3) The Conservation Commission mustshall hold at least one public hearing no earlier than sixty days from the date of certified mailing to the supervisor in the area served by the conservation district supervisor before acting to remove the incumbent from office.</p> <p>(4) Following the public hearing, the Conservation Commission shall vote on the removal of the supervisor based on official findings of fact detailing the cause or causes of removal.</p>	Simplifies language.	Clarification only - no change to election procedure or policy.
76	970	<p>Replacement.</p> <p>A vacancy in the office of elected conservation district supervisor is filled by the conservation district board of supervisors for the remainder of the unexpired term, subject to the verification of supervisor qualifications by the conservation commission. While due notice to the affected community is strongly recommended, it is not required.</p>	<p>Replacement of Elected Supervisors.</p> <p>A vacancy in the office of elected conservation district supervisor is filled by the conservation district board of supervisors after consultation with the Conservation Commission, for the remainder of the unexpired term, subject to the verification of supervisor qualifications by the district and notification to the Conservation Commission. While due notice to the affected community mustshall be provided and a four week application process is required is strongly recommended, it is not required.</p>	Simplifies language, clarifies the replacement of elected supervisor process, and moves some of that process from the Election Manual to this WAC Section.	Clarifies the replacement process for elected supervisors.
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