

WAC 135-110-110 Definitions. (~~"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.~~)

"Ballot" or "official ballot" means the final, preprinted ballot containing the name of each declared, nominated candidate found eligible, and at least one line where a voter may enter the name of a write-in candidate.

"Ballot box" means a container secured against tampering into which paper ballots are placed.

"Candidate" means a person seeking the office of elected conservation district supervisor who has provided the required candidate information to the conservation district by the filing deadline and whose eligibility to run and to serve has been verified by the conservation district.

"Candidate optional information" means information provided by the candidate about their candidacy.

"Candidate required information" means the factual information a candidate must provide on the candidate information form to be eligible for election.

"Canvass" and "canvassing" means to examine carefully or scrutinize the election returns for authenticity and proper count.

"Certify" and "certification" means the canvassing of returns and the verification of substantial compliance with these procedures by the conservation commission.

"Conservation commission" means the Washington state conservation commission governing board and all deputies and representatives authorized to act on its behalf.

"Conservation commission board" and "conservation commission governing board" means the governing board of the Washington state conservation commission.

"Conservation district" means a governmental subdivision of the state of Washington organized under the provisions of chapter 89.08 RCW Conservation districts.

"Conservation district supervisors" and "district supervisors" means the governing board of a conservation district, composed of elected and appointed supervisors.

~~("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 vacant" means a declaration by the conservation commission that a conservation district supervisor position is vacant.

~~("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.)~~

"Double envelope balloting" means a paper balloting system consisting of an inner and an outer envelope, where a ballot is placed in an inner envelope with no personally identifying marks on it, and then the inner envelope with ballot is placed in the outer envelope upon

which the voter has provided sufficient information to allow polling officers to verify the eligibility of the voter.

"Due notice" or "notice" means a notice published at least twice, with at least six days between publications, in a publication of general circulation within the affected area. If there is no such publication, a notice may be posted at a reasonable number of public places within the area where it is customary to post notices concerning county and municipal affairs. There is no requirement for publication of a legal advertisement in a newspaper of record. However, if a legal advertisement is published, a copy of the announcement as published, showing the date of publication, is sufficient proof of publication.

"Elected supervisor" means a qualified district elector:

- (a) Who received more valid votes than any other candidate; and
- (b) Whose election has been certified and announced by the conservation commission.

"Election supervisor" means an individual or entity appointed by conservation district supervisors to organize, coordinate, and manage tasks related to the election of conservation district supervisors. Only the conservation district board of supervisors may set election dates and appoint the election supervisor.

"Electioneering" means the act of soliciting or advocating votes for a specific candidate, or speaking for or against a specific candidate within three hundred feet of a ballot box or voting place.

"Farm and agricultural land" is defined in RCW 89.08.020 as follows: "Farm and agricultural land" means either:

(a) Land in any contiguous ownership of twenty or more acres devoted primarily to agricultural uses;

(b) Any parcel of land five acres or more, but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter; or

(c) Any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income of one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter.

(d) Agricultural lands shall also include farm woodlots of less than twenty and more than five acres and the land on which appurtenances necessary to production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products.

(e) Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands."

"Farm operator" or "operator of a farm" means a person who operates farm and agricultural land.

"Filing deadline" means four weeks before election day in the current election cycle, or, if a local filing deadline that is more than four weeks before election day is adopted by formal action of the conservation district supervisors, that adopted filing deadline.

"Full term," "regular term," and "full term of office" means a three-year term of office.

"Incumbent" means the person in present possession of the office of conservation district supervisor.

"Landowner" means a person with legal title of record to real property in the conservation district at the time of filing for election or applying for appointment.

"Mail-in election" means an election in which mail-in ballots are provided before election day to qualified voters. Voters return completed ballots to a receiving location or address authorized by the conservation district board of supervisors.

"Malfeasance" means wrongful conduct that affects, interrupts, or interferes with the performance of a supervisor's official duty.

"Mid-term" and "mid-term vacancy" means a vacancy in the office of conservation district supervisor, when such vacancy occurs before the full term of office has been fulfilled.

"Municipal officer" means all elected and appointed officers of a conservation district, together with all deputies and assistants of such an officer, and all persons exercising or undertaking to exercise any of the powers or functions of a municipal officer.

"Neglect of duty" means failure by a supervisor or supervisors to perform mandatory duties. Such duties include, but are not limited to:

(a) Compliance with laws and rules imposed by local, state, and federal government entities;

(b) Attendance at a sufficient number of board meetings so as to not impede the work of the conservation district;

(c) Maintaining a full and accurate record of district business;

(d) Securing of surety bonds for board officers and employees;

(e) Carrying out an annual financial audit;

(f) Providing for keeping current a comprehensive long-range program;

(g) Providing for preparation of an annual work plan;

(h) Providing for informing the general public, agencies, and occupiers of lands within the conservation district of conservation district plans and programs;

(i) Providing for including affected community members in regard to current and proposed plans and programs; and

(j) Providing for the submission of the conservation district's proposed long-range program and annual work plan to the conservation commission.

~~("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.~~

~~"Nominator" means a qualified district elector who signs a petition nominating an individual seeking the office of elected supervisor.)~~

"Poll list" or "polling list" means a list of voters who voted in an election.

"Polling officer" means a person appointed by the election supervisor to verify voter eligibility, assure compliance with this rule in and around the polling place, issue ballots, count ballots, and verify the unofficial ballot count in writing to conservation district supervisors.

"Poll site" and "polling site" means a location where votes are collected in a ballot box.

"Poll-site election" and "walk-in election" means an election in which a voter signs in on a poll list, receives a ballot from a polling officer, enters a vote for a candidate on the ballot, and places the ballot in a ballot box at a polling place supervised or monitored by polling officers.

"Provisional ballot" or "contested ballot" means a paper ballot issued to a voter whose qualifications as a qualified district elector cannot be determined at the time the paper ballot is issued. A provisional ballot consists of two envelopes and a paper ballot.

"Qualified district elector" means a registered voter in the county where the district is located and who resides within the conservation district boundary. Qualified district elector means an individual residing within the boundary of the conservation district and registered to vote in a county where the conservation district is located.

~~("Qualified nominating petition" means a nominating petition which contains at least twenty-five signatures of nominators.)~~

"Remote election" means an election in which ballots are returned by some means other than for a poll-site election. A mail-in election is a type of remote election.

"Short term" or "short term of office" means a term of office less than three years in duration.

"Significant noncompliance" means the failure to follow the requirements in this rule that may affect the outcome of an election or deny voters their right of privacy in voting.

"Supervisor" means an elected or appointed board member of a local conservation district governing board, in which the governing board is referred to as the board of supervisors.

"Supervisor-elect" means a supervisor who received more valid votes than any of the other candidates running for the same position in a conservation district election, but the election has not yet been certified by the conservation commission.

"Tie" or "election tie" means an election where no candidate has received a simple majority of votes cast by qualified district electors, and two or more candidates have received the same number of votes cast by qualified district electors.

"Undeclared write-in candidate" means an individual who has not submitted required candidate information to the conservation district and who has not submitted a qualified nominating petition by the filing deadline.

"Voter" means a person who submits a ballot in a conservation district election.

"Withdrawal of candidacy" and "to withdraw" means a written notice, signed and dated by the candidate, and delivered to the conservation district, stating the person's desire to be removed from consideration for the office of conservation district supervisor.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-140 Records retention. (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))~~ twelve months after the election is certified and the official results announced, and then may be destroyed.

(3) The conservation 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.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-180 Disruptive acts prohibited. (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 must 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 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 at the physical polling site.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-200 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~~) expires.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-210 Conservation district must adopt election resolution. (1) Each year the conservation district (~~supervisors must~~) board shall adopt a resolution establishing the election.

(2) The election resolution adopted by the conservation district supervisors must include the following information:

(a) The name of the conservation district;

(b) For a poll site election, the date(s), the physical location(s), and the times polls will open and close for each polling place;

(c) The election methods selected for the election;

(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;

(e) The filing deadline for candidates as set out in WAC 135-110-330;

(f) Identification of an individual appointed by the conservation district to fulfill the duties of election supervisor; (~~and~~)

(g) The dated signature of at least one conservation district supervisor attesting to this information; and

(h) A reasonable deadline for voters to request a ballot.

(3) This information must be provided to the conservation commission by the candidate filing deadline.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-220 Due notice required before and after election resolution. (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.~~

~~(2))~~ Not later than seven days 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.

~~((3))~~ (2) 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.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-230 Conservation district appoints election supervisor. (1) The conservation district supervisors must appoint a person or firm as the election supervisor.

(2) The election supervisor:

(a) Serves as the primary point of contact between the conservation district and the conservation commission for the conservation district election;

(b) Organizes, coordinates, and facilitates election-related activities of the conservation district;

(c) Assures that required election procedures are properly conducted; ~~(and)~~

(d) Assures that required information is properly transmitted to the conservation commission; and

(e) Shall be trained in election policy and procedure as per conservation commission requirements.

(3) Conservation district supervisors remain responsible for conducting an election in compliance with this section.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-240 Election may be on-site, remote, or both. (1) The conservation district supervisors must 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.

(2) Every physical poll site must be open for at least four consecutive hours at a time convenient for voters, and every physical poll site must have at least two polling officers present during the hours the polls are open.

(3) Ballots submitted by mail must be postmarked no later than the day of the election, or the last day if multiple election days. Ballots submitted by physical delivery must 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 be transmitted by the last day of election.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-320 Submission of candidate information required to be elected. (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 may be elected, unless no person has filed for the office by the filing deadline.~~

~~(2) The name of a person who files candidate information by the filing deadline but does not file a qualified nominating petition must not be printed on the official ballot, but may be elected as a declared write-in candidate.~~

~~(3))~~ Information to be submitted to the conservation district by a person seeking to be a candidate for election must include:

- (a) The name of the conservation district;
- (b) The person's name, residential address, mailing address (if different), and phone number;
- (c) Whether the person is a registered voter in the county where the conservation district is located;
- (d) Whether the person resides inside the conservation district boundary;
- (e) Whether the person is a landowner or an operator of a farm; and
- (f) The dated signature of the person attesting to the accuracy of the information so provided.

(2) For purposes of this section, an electronic signature contained in an electronic submittal of the candidate information is acceptable.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-330 Filing deadline. ~~((1))~~ The filing deadline for candidates is set by the district board and shall be, at a minimum, not less than four weeks before election day.

~~((2) By formal action the conservation district supervisors may make the filing deadline on a day more than four weeks before the election.))~~

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-350 Types of candidacy. (1) A declared candidate is a qualified district elector who has submitted candidate required information to the conservation district by the filing deadline.

(2) A ~~((declared nominated candidate is a declared candidate who has submitted a qualified nominating petition to the conservation district by the filing deadline.~~

~~(3) 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))~~.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-355 Election supervisor must verify candidate eligibility. (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.

(2) For a candidate to be eligible, the election supervisor must make a determination that:

(a) The name of the person who filed candidate information is the correct legal name of the individual;

(b) That the person submitted candidate information by the filing deadline;

~~(c) ((That the person submitted a valid nominating petition by the filing deadline;~~

~~(d))~~ That the person was a qualified district elector on the day of filing; and

~~((e))~~ (d) 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.

~~((3) For a nominated candidate, the conservation district must also verify that at least twenty-five eligible nominators signed the nominating petition.))~~

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-360 ((Undeclared)) A write-in candidate may be elected if no eligible person files. (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.

(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, and the election supervisor must verify the eligibility of the unofficial winner to be elected and to serve.

(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 must then submit required candidate information and the conservation district must verify his or her eligibility as described above.

(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)~~) the provisions of WAC 135-110-740 shall apply.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-380 Candidate may withdraw candidacy in writing.

(1) Before election day, a candidate may withdraw his or her candidacy by submitting a written request to the conservation district.

(2) A person who withdraws his or her candidacy is not eligible to be elected in the current election.

(3) If a person withdraws his or her candidacy, the conservation district is not required to revise official ballots.

(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 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 subsection (3) of this section.

NEW SECTION

WAC 135-110-385 Effect of votes cast for withdrawn, deceased, or ineligible candidate.

(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.

(2) If the deceased, withdrawn, or ineligible candidate receives the vote required for election, the resulting vacancy shall be filled in the regular manner.

(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 candi-

dates in the regular manner for resolving a tie vote in the election as set out in WAC 135-110-730.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-410 Conservation district must 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 must set a reasonable deadline for voters to request ~~((an absentee or mail-in))~~ a ballot be sent or mailed to them.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-430 Conservation district may publish candidate-provided optional information. (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.

(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.

(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.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-440 Employees and municipal officers of district must not be polling officers. A conservation district supervisor, employee, intern 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. Conservation commission employees cannot serve as polling officers.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-460 Polling officers verify voters, issue ballots and count votes. (1) A polling officer must verify a voter is a

qualified district elector before issuing a ballot to the voter. 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.

(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.

(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.

(4) Polling officers count votes cast by voters.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-500 Conservation district must create official ballot. (1) A conservation district must create a ballot and provide a ballot to each person who ~~((wishes))~~ requests a ballot to vote in the conservation district election.

(2) The official ballot must:

(a) List the name of each candidate the conservation district has verified as eligible ~~((and who has submitted a qualified nominating petition))~~;

(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

(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.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-520 ((Absentee)) Ballots must be provided on request. (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))~~ a ballot.

(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.

(3) Ballot may be provided electronically if a suitable means of determining voter eligibility and preventing voter fraud are utilized.

(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.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-560 (~~(Mail-in, absentee, and provisional ballots must be double-envelope balloting)~~) **Ballot security.** 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:

(1) The voter places the completed ballot inside the inner envelope;

(2) The inner envelope is sealed to prevent tampering(~~(, and)~~);

(3) No personally identifying marks are to be placed on the inner envelope;

~~((3))~~ (4) The inner envelope containing the completed ballot is placed in the outer envelope; (and

~~(4))~~ (5) The voter provides sufficient identifying information on, or inserted into, the outer envelope to allow polling officers to verify the eligibility of the voter;

(6) For electronic voting, the functional equivalent of a paper ballot shall be used to assure security; and

(7) The provisions listed above shall not apply to a ballot cast during a poll-site election by an individual that has been verified to be eligible to vote in the election.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-570 Election supervisor safeguards ballots (~~(except in a poll-site election)~~). Ballots cast (~~(by mail-in or absentee methods)~~) are to be received and safeguarded by the election supervisor.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-580 Poll sites must be accessible. (~~(No)~~) Every poll site (selected by the conservation district may appear on the county auditor's list of inaccessible polling sites) shall be accessible, as described in RCW (~~(29A.16.140)~~) 29A.40.160(5).

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-600 Electioneering prohibited at poll sites. (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))~~
Candidate required information shall not be publicly posted at the
poll((s)) site or poll sites.

(3) Candidate optional information shall not be publicly posted
at the poll site or poll sites.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-610 ~~((Every voter must be verified as eligible.))~~
Voter eligibility shall be verified before a ballot is counted. ~~((1) Every individual requesting a))~~ Every ballot ~~((for any conservation district election))~~ must be verified as being cast by or returned by a qualified district elector before ~~((his or her))~~ the 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.))~~

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-620 **Conservation district must provide polling officers at each poll site.** The conservation district must 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.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-640 **Conservation district must assure privacy in voting.** (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, except in circumstances necessary to allow a disabled voter to cast their ballot, as set out in WAC 135-110-250.

(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.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-650 **Polls to close at published time but may be extended.** (1) ~~((Polling officers are to close the polls))~~ The polls

must be closed at the published time, unless the ~~((polls are extended by the election supervisor.~~

~~(2) The~~) election supervisor ~~((may))~~ extends the time polls are open, if needed, to accommodate voters.

~~((3))~~ (2) Persons waiting in line at a poll site when the polls are scheduled to be closed must be allowed to check in and vote.

~~((4))~~ (3) Poll times may not be less than advertised ~~((unless the incumbent was automatically reelected as allowed under WAC 135-110-370)).~~

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-700 Opening ballots. (1) Only polling officers and the election supervisor may open and count ballots.

(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.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-710 Polling officers to retain custody of ballots until counted. 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.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-730 Tie in unofficial election results. (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, as directed by the election supervisor.

(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.~~

~~(e))~~ A representative of the conservation commission must be present for any drawing of names or coin toss.

~~((d))~~ (c) The candidate whose name is drawn (or who wins the coin toss) becomes the supervisor-elect.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-740 When no eligible candidate is elected. (~~((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.~~)

~~(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, as per the provisions of WAC 135-110-970, following the official announcement by the conservation commission.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-750 Ballot results must be reported. (1) The re-

sults of balloting must be reported to the conservation commission within (~~twenty-eight~~) fourteen days of the election, unless, after consultation with the conservation commission, the election supervisor determines more time is needed.

(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.

(3) Information provided about the election must include:

(a) The name of the conservation district; and

(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.

(4) Information provided about candidates must include:

(a) The name of each candidate; and

(b) For each candidate, the number of eligible votes counted and the total number of votes cast for the person.

(5) The total number of ballots invalidated must be reported.

(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~~).

(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.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-760 Conservation commission canvasses returns, determines compliance, announces winners. (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.

(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.

(3) (~~The conservation commission must act on elections for full-term positions annually at its regular meeting on the third Thursday in May.~~

~~(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.

NEW SECTION

WAC 135-110-780 Declaration voiding an election. The office held by a conservation district supervisor is vacant upon the decision of a court of competent jurisdiction declaring his or her election to be void.

NEW SECTION

WAC 135-110-790 Procedure for contesting elections. (1) Written complaints regarding conservation district elections shall be received by the commission using an online form no later than April 30th.

(2) Complaints will be forwarded to the executive director of the conservation commission.

(3) The executive director will notify the chair and vice chair of the conservation commission, the chair of the affected conservation district, the election supervisor of the affected conservation district, conservation commission staff assigned to that conservation district, and the commission's elections officer that a complaint has been filed with the conservation commission.

(4) The executive director will inform the chair and vice chair of the conservation commission of the estimated length of the investigation, and will provide updates on the status of the investigation, as needed.

(a) The conservation commission's elections officer will investigate the complaint. The investigation shall include personal interviews with the person filing the complaint, the conservation district board, appropriate conservation district staff, polling officer, and members of the public, as appropriate and necessary.

(b) When the investigation is completed, the conservation commission's elections officer shall make a written report to the executive director of the results of the investigation.

(5) The executive director shall review the report of the investigation and make a determination that:

(a) The complaint does not rise to the level of significant non-compliance with election procedure sufficient to warrant the noncertification of the election, as per WAC 135-110-795; or

(b) The complaint does rise to the level of significant noncompliance with election procedure sufficient to warrant the noncertification of the election, as per WAC 135-110-795.

(6) If the executive director determines that:

(a) The complaint does not rise to the level of significant non-compliance with election procedure sufficient to warrant the noncertification of the election, the executive director may recommend that the election be certified and announced by the conservation commission.

(b) The complaint does rise to the level of significant noncompliance with election procedure sufficient to warrant the noncertification of the election, the executive director may recommend that the election not be certified and announced, and request that the conservation district hold another election as per the procedure in WAC 135-110-780.

NEW SECTION

WAC 135-110-795 Compliance. (1) The conservation commission shall make a determination of significant noncompliance when parties act in variance of this section.

(2) The conservation commission may decline to certify an election found in significant noncompliance. If the conservation commission certifies an election found to be in significant noncompliance, the conservation commission shall provide written rationale.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-800 Emergency relocation or rescheduling of election. (1) A conservation district may change the date(s) or location(s) or times for poll sites only in an emergency.

(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:

(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.

(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, and the conservation commission.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-920 Resignation from office. (1) A conservation district supervisor may resign from public office at any time, and for any reason.

(2) Resignations must be made in writing to the conservation commission or to the conservation district.

(3) Resignations are effective on the earliest date received, unless the incumbent has specified a future date for the resignation to become effective.

AMENDATORY SECTION (Amending WSR 10-21-084, filed 10/19/10, effective 11/19/10)

WAC 135-110-970 Replacement of elected supervisors. 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 conservation district and notification to the conservation commission. ~~((While))~~ Due notice to the affected community ~~((is strongly recommended, it is not))~~ shall be required.

(1) The application process shall require, at a minimum, that the board of supervisors pass a resolution:

(a) Acknowledging that the office is vacant;

(b) The dates of the four-week period for applicants to apply;
and

(c) Describing the minimum requirements of applicants.

(2) The resolution shall then be advertised to the public at least one week prior to the commencing of the four-week period, and in the same manner as the due notice of an election resolution.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 135-110-120 Compliance.

WAC 135-110-340 Only nominated candidates may appear on official ballot.

WAC 135-110-370 Incumbent automatically reelected if no other person files.

WAC 135-110-470 Election supervisor may perform polling officer duties.

WAC 135-110-515 Conservation district must make ballots available.

WAC 135-110-530 Provisional ballots must be provided when voter eligibility is in question.

WAC 135-110-540 Functional equivalent of paper ballot required.

WAC 135-110-820 Conservation commission to be informed.

WAC 135-110-950 Declaration voiding an election.