



Irrigation District Election Practices and Procedures: Status and Recommendations

A report to the Washington State Governor and Legislature per ESB 5453

December 2019

Irrigation District Election Work Group:

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- Mike Schwisow, Government Relations Consultant, Washington State Water Resources Association
- Bill Spencer, Benton County Assessor
- Deanna Walter, Chelan County Assessor
- Jennifer Wallace, Executive Director, Washington Association of County Officials



November 26, 2019

Honorable Jay Inslee, Washington State Governor

Honorable Members, Washington State Legislature

The Washington Association of County Officials (WACO) strives to serve as a forum for elected county officials (Assessors, Auditors, Clerks, Coroners, Prosecutors, Sheriffs, and Treasurers) where initiatives for better county government are nurtured and differences are reconciled. We serve as a collective voice for all WACO members and a conduit between WACO and local, state, and federal governments. As such, we were pleased to be charged by the Washington State Legislature with studying and making recommendations related to the election practices of an important player in local government, our special purpose districts; in this case irrigation districts. We offer these recommendations as consistent with our commitment to continuous improvement and transparency in local government and thank the irrigation districts for the information and assistance they contributed.

The Irrigation District Elections Work Group consisted of County Auditors and Assessors, representatives from the Office of the Secretary of State, and representatives from irrigation districts and their state association, the Washington State Water Resources Association (WSWRA). Over the course of numerous meetings, the work group benefited from high levels of participation from irrigation districts and interested stakeholders. State-level analysis of local practices can be difficult for those with pride and dedication to the current system. Appendix A is a separate statement prepared by WSWRA on behalf of irrigation district representatives.

Jerry Pettit, WACO President and Kittitas County Auditor

Background / Introduction

The Washington Association of County Officials must conduct a study of irrigation district election related practices and procedures and recommend best practices to standardize those procedures across all districts. Best practices are those that are equitable and ensure thorough governance of irrigation districts. In conducting this study, the Washington association of county officials may collaborate with the secretary of state, county assessors, county auditors, and other relevant stakeholders as necessary. (2) The Washington association of county officials must report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2019. At minimum, recommendations for the standardization of election procedures must include procedures to:

- (a) Identify qualified voters and directors;*
- (b) Notify qualified voters and directors;*
- (c) Deliver and return ballots;*
- (d) Identify and count official returns; and*
- (e) Declare the winning candidate.*

– ESB 5453, 2019

Irrigation Districts – History, Formation and Function

During the Washington State Legislature’s very first session in 1890, they enacted a measure that provided for “the organization and government of irrigating districts.” Much of that early statute remains today in what has evolved into RCW 87.03. The State’s first Legislature recognized that the creation of local special purpose governments was the best way at that time to provide for the infrastructure necessary to support the agricultural economy and settlement in the arid areas of the State, as well as provide for the most efficient utilization of the State’s water resources. Further, in 1902 Congress established the Federal Bureau of Reclamation. Irrigation districts organized under Washington statute fulfill the Federal requirement that a local entity be available with which to contract to guarantee repayment of Federal construction expenditures.

Irrigation districts are organized under RCW 87.03 with county legislative authorities conducting the public hearings and elections that are required when landowners petition for the formation of a district. Once a district is created by the affirmative vote of affected landowners, it becomes a self-governing entity with broad statutory authority.

Irrigation districts function primarily to provide water for irrigated agricultural production and to operate associated drainage facilities, but districts are also authorized to provide domestic, municipal, and industrial water supply. Irrigation districts may also distribute electrical service, provide street lighting and operate hydroelectric generation and waste water facilities.

There are about 100 irrigation districts in Washington State ranging in size from less than a hundred acres and a handful of landowners to over 200,000 acres serving several thousand landowners. The 36 irrigation districts serving more than 2000 acres provide water to over 1 million acres of agricultural lands and form the infrastructure backbone of the State's agricultural economy. Appendix B contains the list of the known Washington State Irrigation districts. The work group wished to provide a statewide map depicting irrigation districts and learned that none exists. Appendix C contains a map of the State's three largest irrigation districts which collectively operate and maintain the Federal Reclamation Columbia Basin Project serving over 1000 square miles of Washington agriculture and a map of the small irrigation district in Walla Walla County. These are provided to give the reader a sense of the scale and diversity of State's 106 irrigation districts.

According to RCW, irrigation districts are governed by elected boards of directors who are responsible for overseeing the operation of the district. The directors establish annual assessments on lands in the district to pay the costs of maintenance and operation of district facilities and repay long-term debt. Irrigation district assessments have the same status as property taxes. districts are authorized to issue bonds to pay for project facilities and create local improvement districts (LID's) for special improvements. Irrigation districts are quasi-municipal corporations consistent with the definition of "municipal" which means, "having local self-government".

It is important to note that irrigation districts do not operate under the same RCW and differ in significant ways from drainage, diking, conservation, and other special purpose districts.

Overview of Irrigation District Directors and Elections

RCW establishes irrigation district boards of directors as comprised of either three, five, or seven directors. Irrigation district director terms are for three years. Director terms are staggered so that three director boards have one director up for reelection each year, the five director boards have two directors up for election in year one and two and one director up for reelection the third year. Seven director boards have two directors up for election in year one and two and three directors up for election in year three. As a result, it is possible that hundreds of irrigation district directors could be up for reelection in any given year. As a practical matter, it is more likely that less than 10 directors will face a contested election at the end of their three-year term. If an incumbent director timely files a petition of nomination without a challenger, the board will declare that director re-elected. Director positions that are vacated through resignation or death of the incumbent are filled by the Board of County Commissioners in the county where the District is headquartered. It is not uncommon that when an irrigation district director seat

is left vacant and without any apparent applicants for the position, the district is left to find a willing and qualified individual to complete and turn in a nominating petition to the district.

Study Findings and Recommendations

Appendix D contains a compilation of RCWs that governs the five areas of practice identified in ESB 5453. The body of this report presents overview of the status of irrigation district practice in each of the five areas and recommendations for consideration.

1. Identifying Qualified Voters

RCW 87.03 provides specific directive on who is qualified to vote in irrigation district elections. In general, eligible voters must be 18 years of age and hold title to real property within the district. The RCW specifies eligibility and weight of vote for community property, joint ownership and corporate-owned property. It does not provide specific directives related to how voters are to be identified.

Unlike general elections in the State of Washington, the qualifications of voters in irrigation district elections are tied to ownership of land, and thus individual voters are identified differently than in general elections. A recent inquiry related to practices of an irrigation district in maintaining accurate records of eligible voters was provided legal response which describes the situation well – *“Because of the intensive factual inquiries required to determine voter qualifications, the District has established a voter list to serve as a guide; however, because of the dynamic nature of land transfers, this list is not a definitive determination as to whether an individual is entitled to vote and is subject to updates. The District does not make any representation as to whether the voter list is complete; any individual who believes they are entitled to vote in a District election can make an inquiry to the District and their eligibility will be determined. As the voter list is not required by law, in order to make an official determination of who is eligible to vote, the county property ownership and District inclusion maps must be referenced”* (cite: 1/19/18 letter from law offices of Lemargie, Kenison, Franz and Whitaker to Mark Booker). While the law provides for means for voters to make themselves known, Irrigation Districts are not required, nor in many cases resourced to be able to, ensure accurate voter rolls.

The work group discussion focused on a number of related questions, including:

- Do districts have adequate access to accurate data on ownership?

- Will current effective methods continue to be adequate and accurate given rapid land development and urbanization in some counties?
- How does information flow between relevant county offices; in particular County Assessor and Auditor Offices?
- Are other types of community outreach useful – such as developers or title companies - to assist in identifying owners?

Irrigation district ability to identify qualified voters relies upon the resources and capacity of the respective district and county assessor and treasurer offices. Well-resourced assessor offices are able to provide reporting specific to the district's needs, with accurate cross-sections of district and parcel boundary data. Some districts have additionally worked with treasurers' offices to reference updated excise tax data in order to identify eligible voters. Other county offices may only be able to provide relatively raw data, requiring the district to compare to their own data / conduct their own analysis. Similarly, larger, better resourced irrigation districts may be less reliant on their county assessor, possessing their own GIS systems and able to conduct their own analysis. Adding to the coordination challenge, a few irrigation districts cover land across more than one county.

For example, Sunnyside Valley Irrigation District (SVID) maintains its assessment roll (which is also its voting roll) with information from various sources, including:

- Working with both Yakima and Benton Counties, in which SVID resides. The counties send the identification of new parcel numbers by email or regular mail throughout the year. Once information is received, SVID will confirm ownership through the appropriate county assessor department.
- Title companies forward new ownership information.
- Buyers and Sellers of real property provide SVID with the new landowner information.

SVID also maintains its own mapping through a GIS data base. SVID practices are similar to those of several districts.

While most districts reported feeling confident in their databases of qualified voters, all pointed to rapid development as posing a challenge to accuracy. All districts are affected by urbanization, which often translates into large parcels with single owners becoming subdivisions with dozens or even hundreds of owners, and a complex picture of transfer of ownership from larger land holdings to smaller parcels over a span of time.

Corporations and other entities may hold title to eligible land but must designate a proxy voter to be the individual who actually casts the vote. In case where there is lack of agreement about who votes for land with multiple owners, whoever shows up at the polls first gets to vote. (RCW 87.03.051)

The work group recommendations related to identifying eligible voters in Irrigation district Elections include:

- Irrigation districts maintaining close working relationships with their county offices responsible for land and ownership data; and
- A state-level / statewide review and inventory of irrigation districts; whether they are defined accurately / appropriately.
- A state-level entity, such as WSWRA, provide assistance to individual districts for local and statewide mapping available to the public.

2. Notifying Qualified Voters and Directors

RCW specifies requirements for notifying qualified voters and directors. RCW 87.03.085 requires only that notice of elections for irrigation district Boards be posted in 3 public places 15 days prior to the election. Many irrigation districts go beyond this requirement, employing a variety of types of direct outreach to eligible voters, including newsletters, emails, social media and direct mailings. Appendix E contains examples of communications from irrigation districts to their communities and eligible voters. While the workgroup found practices of the districts go beyond what is required in RCW, discussion focused on why, even with these efforts, awareness still appears to be a problem. The work group identified three potential issues that may limit awareness of irrigation district elections.

1. Infrequency – irrigation district elections only occur when there is a challenger to the incumbent. RCW requires notification only when an election will occur. Given this and their limited resources, Districts tend to send notice of actual elections when there is a challenger, rather than notice of potential election which might solicit candidates. Given the 3 years terms of directors, an incumbent with no challenger would result in no notification of election sent for at least 6 years.
2. Differs from General Election – irrigation district elections occur in December. While past legislation proposing that Irrigation District elections be incorporated into local county general election processes proved costly and was thus unsuccessful, the timing of Irrigation district elections may make awareness more difficult.
3. Lack of Engagement / Voter apathy- Most landowners within receive annual assessments identifying the district. When a property is purchased, the Title Report will also identify whether the land is within an irrigation district. Generally, interest in running for an elected position rises when voters have

issues with the cost or direction of the district. A lack of elections can be a reflection that the landowners are satisfied with the operation of the district. While a number of irrigation districts have well-developed, highly-informative websites and social media, if a voter is unaware or apathetic of its relevance to them, they are unlikely to connect to it.

As resources permit, the work group found a number of best practices for directly communicating with eligible voters that districts are already conducting or should consider:

- Work with entities involved with purchases of property falling within irrigation districts to ensure information about voting rights is provided at point of sale
- Ensure any opportunities to utilize county-based external communications to get the word out about irrigation district elections are utilized (county social media; websites)
- Send application for absentee voting to every eligible voter. RCW 87.03.032. provides for provision without request, as conveniences voters.
- Utilize public service announcement system and other no or low-cost community-based information systems.
- Since all irrigation district director elections are at the same time, pursue statewide means of notification / public service announcements.
- Direct communication (e.g. newsletter / mailing) to every voter at least annually, prior to the filing period for district board candidates, that informs as to their opportunity to run as candidate for the district board and their eligibility to vote.
- Maintain, or partnering with their county or Washington State Water Resources Association (WSWRA) to maintain, a website.

The work group also discussed the need to ensure all eligible land owners are provided the same information. The work group suggests districts engage in ongoing outreach to community-based organizations to ensure participation reflects eligible population.

The work group acknowledged that interest in voting in irrigation district elections or in serving on the governing board will be most influenced by interest in the issues under consideration. Therefore, the work group encourages irrigation districts to continue their progress in implementing more direct, electronic communication to the communities they serve and collaborating with community-based organizations that may also serve as conduits for information.

3. Delivering and Returning Ballots

Table 1 depicts a comparison of state and county-run elections versus irrigation district elections, as established in RCW. In state and county-run elections, all qualified voters are sent ballots at least 18 days before the election. Unregistered voters can register and receive a ballot up to and including the day of the election. With uncertainty and frequent change to their list of eligible voters, irrigation districts verify voter eligibility and receive ballots at the same time. Electors in irrigation districts may vote in-person at the designated polling place or may request an absentee ballot in advance. A request for an absentee ballot must be accompanied by certification that the voter cannot be “conveniently present” at the polling place the day of the election. Electors are delivered the number of ballots their land ownership entitles them either at the polling place or in response to their request for an absentee ballot. Ballots must be returned by 8p.m. election day or postmarked election day and received prior to certification.

Districts reported common confusion on the part of voters regarding multiple ballots. Some voters assume it is a mistake and return only one. Some report problems with the bulk of multiple ballots in a single envelope. Others report confusion about keeping actual ballots and certification of eligibility separate. Many also reported common difficulty verifying voter eligibility and/or eligible number of votes, but all agreed in such cases the elector should be allowed to vote and eligibility determined during canvassing.

TABLE 1

	County/State Run Elections	Irrigation District Elections
Ballot Delivery	All registered voters receive a ballot automatically 18 days before the election. Un-registered voters can register and take a ballot	Elector given the number of ballots they are entitled to by the election board at the polling site or elector can request an absentee ballot Requests for absentee ballots must be accompanied by a Certification of Inconvenience.
Voting Process	Envelope for returning ballot and instructions provided. Timely return = 8p.m. election day or postmarked by election day	Designated polling place or Absentee ballot - “Unmarked envelope” for each ballot sealed and accompanied by a Certificate of Qualifications* (procedures vary somewhat by district)

Return of Voter Ballots	<p>Formal process for confirming validity of each ballot</p> <p>Voter must sign an oath – can be compared with signature on file</p>	<p># of ballots / voter depends on qualifications / land ownership</p> <p>At polling place, if eligibility of voter not confirmed, allowed to vote and eligibility determined by canvassing board</p> <p>Absentee ballots must be accompanied by Certificate of Qualification</p>
Ballot Counting	<p>One ballot / voter</p> <p>Processed by team of workers</p> <p>Overseen by Canvassing board made up of separate officers</p> <p>All processes occur in front of observers</p>	<p>Variable # of ballots / voter</p> <p>Processed by election board = inspector and 2 judges from among electors</p> <p>Counting is public, but not required to be witnessed</p> <p>Board of directors = canvassing board – 1st Monday after election</p>
Results Reporting	<p>Final results reviewed by canvassing board</p> <p>Results are posted publicly and include #s of voters and percentage they represent of total eligible voting population</p> <p>Ballot and materials preserved for 22 months</p>	<p>Final results reviewed by canvassing board</p> <p>Canvas must be public</p> <p>No requirement for public declaration of winner, but results must be entered into public record</p>

*“The form of statement of qualifications and its certification shall be substantially as prescribed by the district's board of directors. This form may also provide that the voter shall describe all or some part of his or her lands within the district which, under RCW **87.03.045** entitles him or her to vote in the election, but a voter otherwise qualified shall not be disqualified because of the absence or inaccuracy of the description so given”*

Practices the work group recommends for consideration include:

- To the extent feasible, irrigation district election practices may benefit from movement to mail-in ballots entirely. A few irrigation districts do automatically send absentee ballot applications to their voter rolls.
- The work group believes the current requirement for voters to certify inconvenience is unnecessary.
- If capacity, cost implications, and security were addressed, online voting might have distinct advantages for these type of elections in terms of security, accuracy of rolls, and analytics for purposes of oversight.

4. Ballot Handling - Identifying and Counting Returns

Just as it can be a challenge for irrigation districts to find candidates to run for board seats, it can be difficult to find individuals to serve in official roles related to ballot handling and counting returns

RCW requirements for ballot handling; provide that absentee ballots must be kept, unopened, by the Board Secretary (87.03.034) and that the ballot box at the polling shall remain in the room until polls are closed and all ballots counted. The procedures of irrigation districts reflect the importance of keeping ballots secure, and generally surpass the requirements of RCW, but the work group agreed standardization of ballot handling would be beneficial. For example, although the RCW only speaks to ballot security, ballots often arrive accompanied by a Certificate of Qualification, and district procedural documents indicate that some open these upon arrival, while others keep all sealed and secured until the election board opens ballots. Similarly, because the RCW does not define what it means to secure a ballot, some irrigation district procedures simply require the district's board secretary to keep ballots in a locked file drawer.

The work group recommends that the principal of "dual control" should be reflected in all irrigation district election procedures. This requires the presence of two individuals whenever a ballot is handled. The work group recognized this is a challenge in small districts, but acknowledged it is also a challenge in small counties, but essential for ensuring the public of proper ballot handling. Table 2 provides a list of ballot handling procedures routinely carried out in county-level elections the work group recommends as standard operating procedures for all irrigation district elections.

In light of differences between irrigation district practices, although compliant with RCW, and routine county-level election practices, county auditors serving on the work group agreed that all county auditors would consider it compatible with their responsibilities, to the extent they're able, to assist irrigation districts in implementing proper procedures and to conduct site visits of election proceedings to provide onsite assistance and guidance.

Table 2

Recommended Controls for Ballot Handling	
1. Dual Control	
a.	At all times when ballots are being handled, two people should be involved. This provides a check and balance on any actions with the ballots.
2. Controls over Ballot Deposits	
a.	The box is secure (metal, wood, plastic) with a deposit slot
b.	The box is clearly marked as an "Official Ballot box"
c.	The box is locked, with keys held by designated staff only
d.	The box is closed with tamper-evident seals with a paper seal log

- i. Each time the box is opened, a new seal log is signed, the seal # noted and dated
 - ii. When the box is opened, the old seal log is compared to the cut seal & initialed
 - iii. Seal logs are retained
- e. Depending upon the location, the box should be physically secured/chained so that it cannot be stolen or moved by anyone but designated staff
- f. Workers must be independent of the election outcome; they cannot be a candidate on the ballot

3. Voter Verification of Returned Ballot

- a. Date and time of verification processing is publicly posted (newspaper, office, etc)
- b. Processing is open to observation by the public
- c. Processing is performed by workers who are independent of the election outcome; they cannot be a candidate on the ballot
- d. Challenge process of individual voter
 - i. Process must be written
 - ii. Procedures for challenge by public
 - iii. Procedures for challenge by staff
 - iv. Outcome of each challenge is made public
- e. Cure procedures for errors and challenges
 - i. Process must be written
 - ii. Procedures for voter to cure challenge or correct errors
 - iii. Clear timelines for cure to occur
- f. Public access to lists and reports

4. Ballot Secrecy and Security

- a. To ensure secrecy of the vote, use two envelopes for ballot return
- b. Envelopes are not opened immediately after the voter deposits
- c. Dual control for ballot boxes, envelope opening and tabulation

5. Tabulation

- a. Envelopes are opened in batches, not individually
- b. Processing is open to the public
- c. Reconciliation of received ballots to actual counted
- d. Tabulated ballots are stored separately from uncounted/challenged ballots

5. Declaring the Winning Candidate

RCW 87.03 requires that election results be entered into the public records of the district board of directors; no outward public declaration is required. Work group discussions identified this phase of the process and another opportunity to raise eligible landowner awareness of irrigation districts and their right to vote for or return a properly completed petition of candidacy as a district board director. As such, many of the recommendations related to notifying eligible voters, including use of newsletters, social media and other outreach strategies, apply here as well.

The work group also felt it would be an appropriate role for WSWRA to post and maintain election results and rosters of district board directors on their website for all districts.

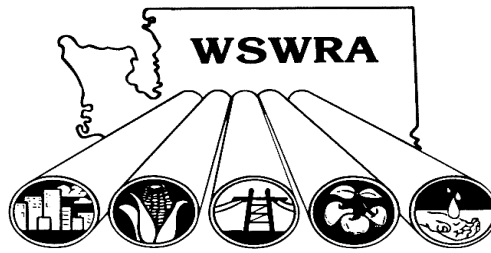
Summary and Next Steps

Overall, the work group found irrigation districts in compliance with existing RCW. The group also found that ongoing support and exchange of best practices among districts and from WSWRA would benefit landowners in irrigation districts.

We are pleased that an outcome of this study has been WSWRA's production of an *Irrigation District Elections Guidance Document*, included here as Appendix F. This document provides best practice guidance to support more consistent district practices.

The work group agrees, however, that assistance to and oversight of the system could be beneficial, but did not arrive at who specifically should provide it. Given that irrigation districts often cross county lines, however, there was agreement that oversight could best be provided by a state-level entity adequately resourced to support integrity with the land-based election practices outlined in the *Irrigation District Elections Guidance Document*.

APPENDIX A



Irrigation District representatives' perspective on irrigation district elections:

The Irrigation Elections workgroup conducted numerous meetings with irrigation district representatives. These extensive discussions revealed two critical realities of irrigation district elections:

- (1) In over 40 years, no irrigation district has been found to be in violation of election laws or been part of a valid voter challenge.*
- (2) The statutes governing irrigation district elections have proven to be both comprehensive and fundamentally fair, without need for change or update.*

All irrigation district elections are susceptible to review by the State Auditor's office, and that office has made no finding against any district for any election impropriety. So, in essence, any proposed changes to the irrigation election statutes would raise costs to district ratepayers to "fix" a problem that does not exist.

Irrigation district directors are elected by water users to manage the districts in a fiscally sound manner. They are committed civil servants who are paid very little for that service. Many are farmers or ranchers, not politicians. All are concerned citizens.

Local government is the form of representative government closest and most responsive to its constituents. Local government officials—irrigation district directors—are accountable to neighbors, local business owners, congregation members, and even friends and family. When there is a problem in the community, they are the first to hear about it. This local connection is what makes irrigation district-controlled elections so essential and valuable.

The workgroup findings and recommendations must recognize and appreciate this underlying framework and keep it intact for the betterment of the irrigation districts and the farms and communities they serve.

APPENDIX B

IRRIGATION DISTRICTS

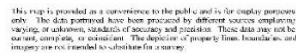
Washington Irrigation Districts with County Location

East Columbia Basin Irrigation District	Adams, Grant, Lincoln
Badger Mountain Irrigation District	Benton
Benton Irrigation District	Benton
Columbia Irrigation District	Benton
Columbia Water and Power Irrigation District	Benton
Kennewick Irrigation District	Benton
Kiona Irrigation District	Benton
Roza Irrigation District	Benton, Yakima
Sunnyside Valley Irrigation District	Benton, Yakima
Beehive Irrigation District	Chelan
Chelan Falls Irrigation District	Chelan
Chelan River Irrigation District	Chelan
Entiat Irrigation District	Chelan
Gaines School Irrigation District	Chelan
Icicle Irrigation District	Chelan
Isenhart Irrigation District	Chelan
Lake Chelan Reclamation District	Chelan
Lower Squilchuck Irrigation District	Chelan
Lower Stemilt Irrigation District	Chelan
Millerdale Irrigation District	Chelan
Peshastin Irrigation District	Chelan
Stemilt Irrigation District	Chelan
Wenatchee Chiwawa Irrigation District	Chelan
Wenatchee Heights Reclamation District	Chelan
Wenatchee Reclamation District	Chelan, Douglas
Agnew Irrigation District	Clallum
Dungeness Irrigation District	Clallum
Highland Irrigation District	Clallum
Columbia County Hearn Irrigation District	Columbia
Bridgeport Irrigation District	Douglas
Greater Wenatchee Irrigation District	Douglas
Palisades Irrigation District	Douglas
Franklin County Irrigation District No 1	Franklin
Smith Canyon Irrigation District	Franklin
Black Sands Irrigation District	Grant
Moses Lake Irrigation & Rehabilitation District	Grant
Quincy-Columbia Basin Irrigation District	Grant
South Columbia Basin Irrigation District	Grant, Franklin, Walla Walla
Cascade Irrigation District	Kittitas
Kittitas Reclamation District	Kittitas

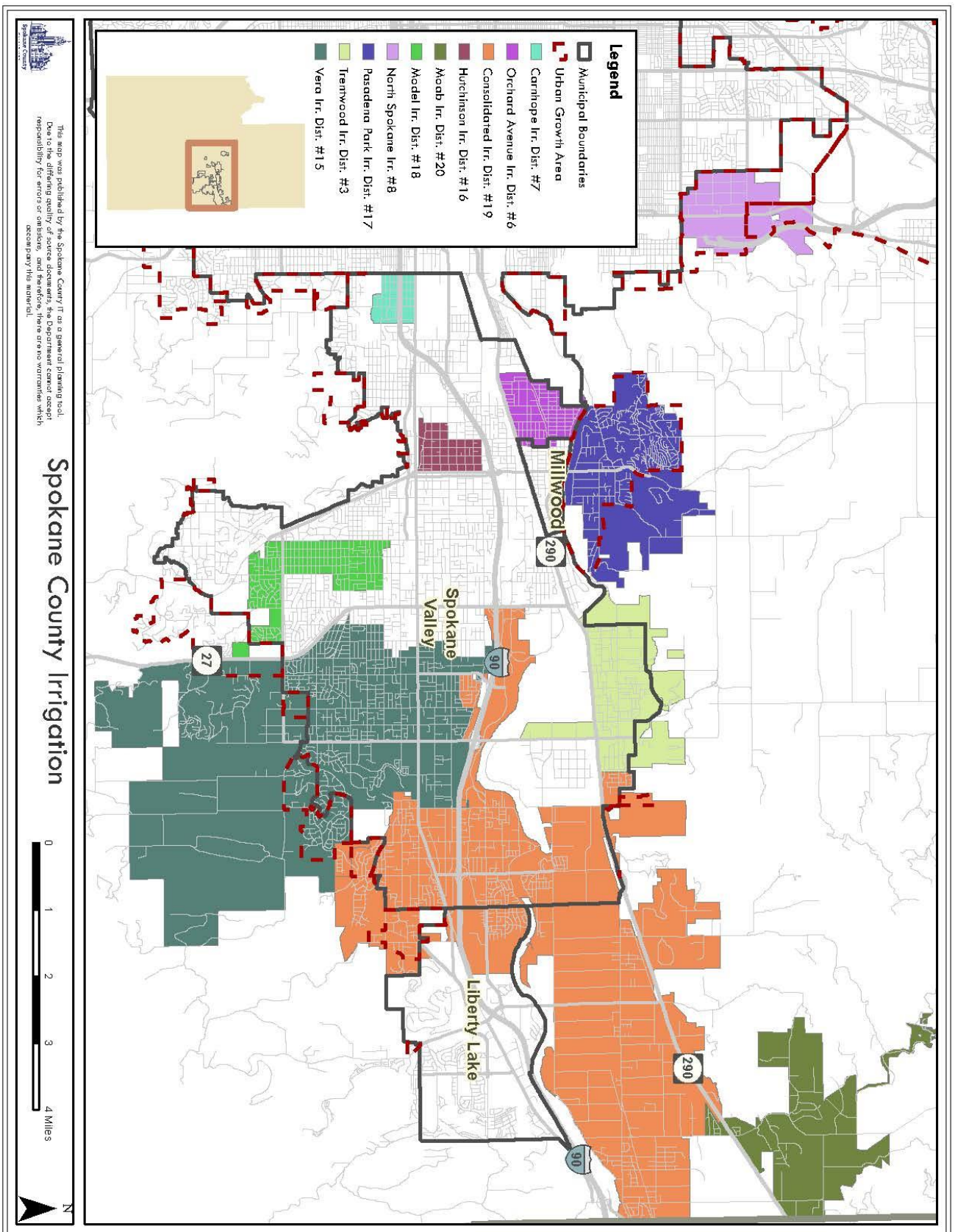
North Dalles Irrigation District	Klickitat
White Salmon Irrigation District	Klickitat
Aeneas Lake Irrigation District	Okanogan
Alta Vista Irrigation District	Okanogan
Brewster Flat Irrigation District	Okanogan
Bridgeport Bar Irrigation District	Okanogan
Helensdale Irrigation District	Okanogan
Methow Okanogan Reclamation District	Okanogan
Methow Valley Irrigation District	Okanogan
Okanogan Irrigation District	Okanogan
Oroville-Tonasket Irrigation District	Okanogan
Pateros Irrigation District	Okanogan
Wells Ranch Irrigation District	Okanogan
Whitestone Reclamation District	Okanogan
Wolf Creek Irrigation District	Okanogan
Carnhope Irrigation District No 7	Spokane
Consolidated Irrigation District No 19	Spokane
Hutchinson Irrigation District No 16	Spokane
Moab Irrigation District No 20	Spokane
Model Irrigation District No 18	Spokane
North Spokane Irrigation District No 8	Spokane
Orchard Avenue Irrigation District No 6	Spokane
Pasadena Irrigation District No 17	Spokane
Trentwood Irrigation District No 3	Spokane
Vera Water and Power	Spokane
Artesia Irrigation District No 8	Walla Walla
Blalock Irrigation District No 3	Walla Walla
Blalock Orchard Irrigation District No 10	Walla Walla
Blalock Orchard Irrigation District No 12	Walla Walla
Braden Road Irrigation District No 20	Walla Walla
Burbank Irrigation District No 4	Walla Walla
Consolidated Irrigation District No 14	Walla Walla
Eastside Irrigation District No 6	Walla Walla
Gardena Farms Irrigation District	Walla Walla
Green Tank Irrigation District No 11	Walla Walla
Hydro Irrigation District No 9	Walla Walla
Lowden Irrigation District No 2	Walla Walla
Mud Creek Irrigation District No 7	Walla Walla
Touchet Valley Irrigation District No 16	Walla Walla
West End Irrigation District	Walla Walla
Westside Irrigation District No 5	Walla Walla
Bertrand Watershed Improvement District	Whatcom
Drayton Watershed Improvement District	Whatcom
Laurel Watershed Improvement District	Whatcom
Lynden Watershed District	Whatcom
South Lynden Watershed Improvement District	Whatcom

Sumas Watershed Improvement District	Whatom
Ahtanum Irrigation District	Yakima
Buena Irrigation District	Yakima
Naches Union Irrigation District	Yakima
Naches-Selah Irrigation District	Yakima
Selah Moxee Irrigation District	Yakima
South Naches Irrigation District	Yakima
Terrace Heights Irrigation District	Yakima
Union Gap Irrigation District	Yakima
Wenas Irrigation District	Yakima
Yakima Reservation Irrigation District	Yakima
Yakima-Tieton Irrigation District	Yakima
Zillah Irrigation District	Yakima

**Columbia Basin Project
Adams, Franklin, and Grant Counties, Washington**







APPENDIX D

RCW 87.03 – Irrigation District Election Laws

For the five areas identified as needing standardization in the charter for the Irrigation District Elections Work Group, this document identifies basic irrigation district practices as currently dictated by statute:

(a) Identify qualified voters and directors

a) Basic qualifications:

Pursuant to RCW 87.03.045, for districts of two hundred thousand acres, qualified voters and directors are *“a person eighteen years old, being a citizen of the United States and a resident of the state and who holds title or evidence of title to land in the district or proposed district”* and pursuant to RCW 87.03.051, for districts of less than two hundred thousand acres, qualified voters and directors are *“a person eighteen years old, being a citizen of the United States and a resident of the state and who holds title or evidence of title to assessable land in the district or proposed district”*.

b) Community property:

For districts of two hundred thousand acres, pursuant to RCW 87.03.045, *“Where land is community property both the husband and wife may vote if otherwise qualified”* and, pursuant to RCW 87.03.071, if more than fifty percent of the total acreage of the district is owned in individual ownerships of less than five acres, *“If the ownership is held as community property, the husband shall be entitled to one vote and the wife shall be entitled to one vote or they may vote by common agreement.”*

For districts of less than two hundred thousand acres, pursuant to RCW 87.03.051, *“when land is held as community property, the accumulated votes may be divided equally between husband and wife”*.

c) Joint ownership other than community property:

For districts of two hundred thousand acres, and if more than fifty percent of the total acreage of the district is owned in individual ownerships of less than five acres, pursuant to RCW 87.03.071, for other than community property *“Each ownership shall be represented by two votes. If there are multiple owners or joint owners of a single ownership, the owners shall decide among themselves what their two votes shall be.”*

For districts of less than two hundred thousand acres, pursuant to RCW 87.03.051,

The ballots cast for each ownership of land or shares shall be exercised by common agreement between electors” and “in the absence of the submission of the common agreement to the secretary of the district at least twenty-four hours before the opening of the polls, the election board shall recognize the first elector to appear on election day as

the elector having the authority to cast the ballots for that parcel of land for which there is more than one ownership interest.

Corporations and other entities:

Pursuant to RCW 87.03.045, for districts of two hundred thousand acres,

An agent of a corporation owning land in the district, duly authorized in writing, may vote on behalf of the corporation by filing with the election officers his or her instrument of authority

and, pursuant to RCW 87.03.051, for districts of less than two hundred thousand acres,

A corporation, general partnership, limited partnership, limited liability company, or other legal entity formed pursuant to the laws of the state of Washington or qualified to do business in the state of Washington owning land in the district shall be recognized as an elector. As used in this section, "entity" means a corporation, general partnership, limited partnership, limited liability company, or other legal entity formed pursuant to the laws of the state of Washington or qualified to do business in the state of Washington.

Except for community property ownership, in the absence of the submission of the common agreement to the secretary of the district at least twenty-four hours before the opening of the polls, the election board shall recognize the first elector to appear on election day as the elector having the authority to cast the ballots for that parcel of land for which there is more than one ownership interest.

An agent of an entity owning land in the district, duly authorized in writing, may vote on behalf of the entity by filing with the election officers his or her instrument of authority.

(b) Notify qualified voters and directors

a) Statutory means of notification:

- i) Legal notices in newspaper and posting in 3 public locations (similar to Official Notice rules)
- ii) Notifying qualified voters and electors:

Official Notice of election: Pursuant to RCW 87.03.085,

Fifteen days before any election held under this chapter, subsequent to the organization of any district, the secretary of the board of directors shall cause notices to be posted in three public places in each election precinct, of the time and place of holding the election. The secretary shall also post a general notice of the same in the office of the board, which shall be established and kept at some fixed place to be determined by the board, specifying the polling places of each precinct,

and, pursuant to RCW 87.03.032, the official notice

shall specify in addition that any qualified district elector who certifies that he or she cannot conveniently be present at his or her proper election precinct on the day of election may vote by absentee ballot, and that a ballot and form of certificate of qualifications will be furnished to him or her on written request being made of the district's secretary.

(c) Deliver and return ballots

a) Absentee Voting (RCW 87.03.031-87.30.034):

Absentee ballots and a form of certificate of qualifications are provided to any person who prior to the date of election makes written request therefor, stating that he or she is a qualified district elector, pursuant to RCW 87.03.032. The statute also allows that "Such ballot and form may be furnished also to qualified district electors in any way deemed to be convenient without regard to requests having been made therefor."

i) Request for Absentee Ballot (see above)

ii) Form of Absentee Ballot: Pursuant to RCW 87.03.075, no ballots on any form other than the official form shall be received or counted. Ballots are:

- uniform size and quality
- provided by the district
- contain only the names of the candidates who met filing requirements
- contain space for sticker voting
- contain space for the writing in of the name of an undeclared candidate
- issued according to the number of votes an elector is entitled to cast

iii) Provision of Absentee Ballot: Ballots cannot be printed until after the names of the candidates are known. Pursuant to RCW 87.03.075, the deadline for declarations of candidacy or petitions of nomination is five o'clock p.m. on the first Monday in November. While requests for absentee ballots could be received before this date, they could not be filled until after the ballots are printed.

Ballots should be provided with a blank security envelope or sleeve, and an outer return envelope with:

[A] certificate of qualifications stating, with respect to the voter, his or her name, age, citizenship, residence, that he or she holds title or evidence of title to lands within the district which, under RCW [87.03.045](#) entitles him or her to vote in the election, and that he or she cannot conveniently be present to cast his or her ballot at his or her proper election precinct on election day.

Pursuant to RCW 87.03.233 (c),

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

Further, due to the deadline to return the voted ballots, *“delivered to the district's principal office prior to the close of the polls on the day of that election; or be sealed in an unmarked envelope and mailed to the district's secretary, postmarked not later than midnight of that election day and received by the secretary within five days of that date.”*

Pursuant to RCW 87.03.033, how the absentee ballots are provided to electors may vary slightly. This is permitted by RCW 87.03.032, which allows that *“Such ballot and form may be furnished also to qualified district electors in any way deemed to be convenient without regard to requests having been made therefor.”*

iv) Receipt and Security of Absentee Ballots

Pursuant to RCW 87.03.034, *“Absentee ballots shall be accumulated and kept, unopened, by the district's secretary until the time in which such ballots may be received is closed.”*

(d) Identifying and Counting Official Returns

a) Counting Ballots at the Polls

- i) The counting process is public and is governed by RCW 87.03.095,

[a]s soon as the polls are closed, the judges shall open the ballot box and commence counting the votes; and in no case shall the ballot box be removed from the room in which the election is held until all the ballots have been counted.

The counting of ballots shall in all cases be public.

The ballots shall be taken out, one by one, by the inspector or one of the judges, who shall open them and read aloud the names of each person contained therein and the office for which every such person is voted for.

Each clerk shall write down each office to be filled, and the name of each person voted for such office, and shall keep the number of votes by tallies, as they are read aloud by the inspector or judge.

The counting of votes shall be continued without adjournment until all have been counted.

b) Counting Absentee Ballots

- i) The identification element of absentee ballots includes an attestation by a witness that they are acquainted with the voter. The requirements for eligible absentee ballots are set forth in RCW 87.03.033,

[The ballots] must be sealed in an unmarked envelope and delivered to the district's principal office prior to the close of the polls on the day of that election; or be sealed in an unmarked envelope and mailed to the district's secretary, postmarked not later than midnight of that election day and received by the secretary within five days of that date.

The sealed envelope containing the ballot shall be accompanied by a certificate of qualifications stating, with respect to the voter, his or her name, age, citizenship, residence, that he or she holds title or evidence of title to lands within the district which, under RCW 87.03.045 entitles him or her to vote in the election, and that he or she cannot conveniently be present to cast his or her ballot at his or her proper election precinct on election day.

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

- ii) The absentee ballot counting process is then undertaken pursuant to RCW 87.03.034,

Absentee ballots shall be accumulated and kept, unopened, by the district's secretary until the time in which such ballots may be received is closed.

The secretary shall deliver them to the board of directors as early as practicable on the following day.

That board shall proceed at once to determine whether the voters submitting absentee ballots are qualified so to vote [as set forth in RCW 87.03.033] and to count and tally the votes of those so determined to be qualified.

The board shall make, record, and certify the result of its determinations and count; and promptly thereafter it shall deliver the ballots, certificates of qualifications, and its certificate to the district's secretary.

c) Recounts

- i) Pursuant to RCW 87.03.105, districts are required to hold onto election forms prior to canvassing: "No list, tally paper or certificate returned from any election shall be set aside or rejected for want of form, if it can be satisfactorily understood."
- ii) RCW 87.03.100 governs the recount of both in person and absentee ballots:

. . . ballots shall be kept unopened for at least six months, and if any person be of the opinion that the vote of any precinct has not been correctly counted, he or she may appear on the day appointed for the board of directors to open and canvass the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

(e) Declare the winning candidate.

a) Canvassing.

i) Time and Place. RCW 87.03.105.

The board of directors must meet at its usual place of meeting on the first Monday after each election, to canvass the returns.

If, at the time of meeting, the returns from each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns, but if all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six postponements have been had.

ii) Method. RCW 87.03.105.

The canvass must be made in public, and by opening the returns and estimating the vote of the district for each person voted for, and declaring the result thereof.

b) **Statement of result and certification.** RCW 87.03.110.

The secretary of the board of directors must, as soon as the result is declared, enter in the records of such board a statement of such result, which statement must show:

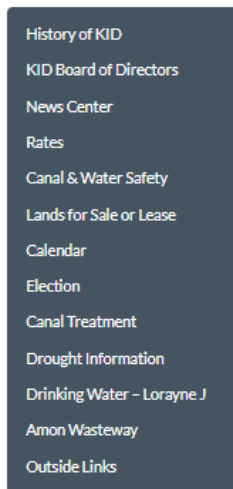
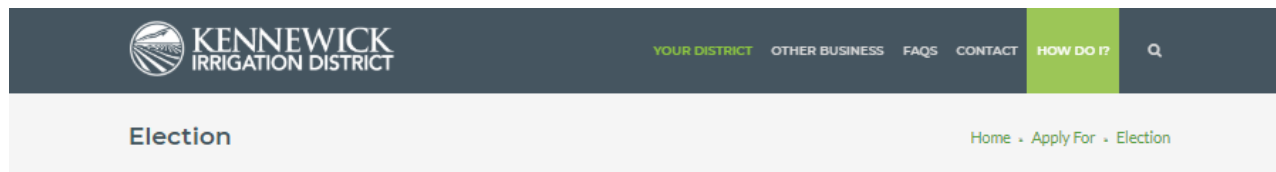
- (1) The whole number of votes cast in the district;*
- (2) The name of the persons voted for;*
- (3) The office to fill which each person was voted for;*
- (4) The number of votes given in each precinct to each of such persons;*
- (5) The number of votes given in each precinct for and against any proposition voted upon.*

The board of directors must declare elected the person having the highest number of votes given for each office.

The secretary must immediately make out and deliver to such person a certificate of election signed by him or her and authenticated by the seal of the district.

APPENDIX E

Examples of Irrigation District Communication re: Elections



2019 KID Election

Candidates

By law, nominations for the Kennewick Irrigation District annual election closed at 5:00 p.m. on Monday, November 4, 2019.

Kirk Rathbun was unopposed for Position 1. Pursuant to RCW 87.03.075, the Board of Directors declared him elected at the November 5, 2019 Board meeting.

Candidates for Position 4 (in the order that nominating petitions were received) are Dean Dennis and Arland Ward.

The election for Position 4 will be held the second Tuesday in December (December 10, 2019).

Absentee Voting

Any qualified district elector who certifies that he or she cannot conveniently be present to vote in person on December 10, 2019 may vote by absentee ballot. [See RCW 87.03.032](#). To receive an absentee ballot, you must turn in a completed and signed a [Request for Absentee Ballots](#) form.

Absentee ballot requests will be filled after ballots have been printed in November, through December 9, 2019. Absentee ballots will not be issued on Election Day.

However, Electors are reminded that the voted absentee ballots must be returned to the District office by 8:00 p.m. on December 10, 2019 or be postmarked by midnight on December 10, 2019 and received within five days of that date. ([RCW 87.03.033](#)) The Kennewick Irrigation District can make no guarantee timely mail delivery and recommends that absentee ballot requests be mailed or delivered to KID at least one week in advance of the election.

In person:

Requests for Absentee Ballots forms delivered in person at the District office located at [2015 South Ely Street](#) will be filled during business hours, Monday through Thursday from 8:00 a.m. to 5:30 p.m., after ballots have been printed, through December 9, 2019.

Via mail:

Ballots and Certificates of Qualifications will be mailed via the U.S. Postal Service to eligible voters from whom signed Request for Absentee Ballots forms are received via mail.

Forms:

- [Request for Absentee Ballots](#)

Electors planning to cast ballots for a spouse or for a corporation, general partnership, limited partnership, limited-liability corporation or other legal entity should consult [RCW 87.03.051](#). The following authorization forms are available and should be completed and submitted with your Request for Absentee Ballots form, if applicable:

- [Authority to Cast Votes for Spouse](#)
- [Authority to Cast Votes for Corporation or Entity](#)

If you would like to be mailed absentee voting request forms, please call Customer Service at 509-586-9111 and press "0".

Statutory Deadline for Receipt of Voted Absentee Ballots

Absentee Ballots must conform to statutory requirements and be returned to the District's Administrative Office by 8:00 p.m. on December 10, 2019 or be postmarked by midnight on December 10, 2019 and received within five days of that date. [RCW 87.03.033](#).



Lake Chelan Reclamation District

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Rigo Pérez Will this date still hold with the current weather conditions?

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Lake Chelan Reclamation District

October 2, 2018 ·

The Federal Irrigation System is scheduled to be shut down on Monday, October 15th at 8am.

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Lake Chelan Reclamation District

October 2, 2018 ·

PUBLIC NOTICE: LCRD HAS TWO BOARD OF DIRECTOR POSITIONS OPEN

The Lake Chelan Reclamation District has Petitions of Nomination available for individuals who are interested in filing for a director position with the District.

There are two (2) positions open, both are three-year, beginning January 1, 2019. Petitions for the director positions must be returned to the Lake Chelan Reclamation District office by 5:00 p.m., Monday, November 5, 2018.

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Lake Chelan Reclamation District

July 24, 2018 ·

Around 6am this morning we experienced a power outage in the Purttelman Gulch area. The issue has not yet been resolved. As soon as the power comes back up to our pumping station, we will begin filling our tanks. Thank you for your patience!

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IRRIGATION DISTRICT ELECTION SET FOR DEC. 11

November 21, 2018 at 10:50 am | By CHERYL SCHWEIZER For The Sun Tribune

OTHELLO — Elections will be held Dec. 11 for two seats on the East Columbia Basin Irrigation District board of directors. Qualified voters can obtain absentee ballots at the irrigation district office, 509-488-9671, or 55 N. Eighth Ave. Candidates also are authorized to distribute absentee ballots.



The seats up for election are in Director District 2, in Grant County, and Director District 4, in Adams County.

Qualified voters can vote in person at the district office from 1 to 8 p.m. Dec. 11. Qualified voters must own land within the director district and be Washington residents. Participants must vote in the director district where they live, or the one closest to their residence.

Owners of less than 10 acres cast one vote; owners of more than 10 acres cast two votes. Spouses who own land as community property can both vote, or one can be designated to cast both votes. A corporation, trust, limited liability corporation or other legal entities can delegate a representative to cast the votes.

Absentee ballots can be turned in at the district office during polling hours. Ballots can be mailed back to the office, and must be postmarked no later than midnight Dec. 11.

The candidates for District 2 are Boe Clausen, the incumbent, and Reid Baker. District 2 includes the Grant County section bounded by Wheeler Road on the north, on the east and south by the Grant County line, and the ECBID boundary on the west.

District 4 candidates are incumbent Duaine Anderson and Ross Fox. District 4 is completely in Adams County; the north boundary is the Grant/Adams county line and the Franklin/Adams county line is the boundary to the south. The east boundary is Booker Road to Cunningham Road, and the ECBID line forms the west boundary.

The district's board of directors will count the ballots at 10 a.m. Dec. 17.

VERA
water & power



Press **F11** to exit full screen

CURRENTS

WATER & POWER NEWSLETTER FOR YOUR VERA NEIGHBORHOOD »

FALL 2019

Protect your water meter from freezing

You can help keep your water service from freezing by covering your water meter with a foam insulation blanket. The blankets—which are easy to install—are free and available at our office. You can pick up your free insulation blanket at the Vera office Mondays through Fridays from 7:30 a.m. to 5 p.m.

With the proper installation of the blanket, you will trap warmer air from the ground and minimize exposure of the meter to cold air. Please, do not use home insulation because those products soak up water, freeze, and defeat the insulating purpose.

While you are looking at your water meter, be sure to inspect your meter vault cover. The vault cover is essential to keeping the meter protected and must be in place. If the cover is missing, broken or cracked, call us for help. We have replacements.

Monthly Vera board meetings

The Vera Water and Power board of directors meets on the second Wednesday of the month at 6:30 p.m. at the District office. Meeting agendas and minutes are posted at verawaterandpower.com. The meetings are open to the public, and you are welcome to attend.

We are a public utility that's governed by five directors who are elected to served staggered, three-year terms. They are also Vera Water and Power customers. To learn more about how to join our board, visit verawaterandpower.com.



ENERGY SAVER

Need a break this holiday season? Give your energy bill one, too!

When leaving for holiday travel, unplug household appliances to prevent energy waste and fire hazard. Learn more at verawaterandpower.com.



Please join Santa and us for our annual open house and tree lights

Bring the whole family Thursday, Dec. 5, 2019, from 4 p.m. to 6 p.m.

**SANTA IS COMING TO VERA!
BRING YOUR CAMERAS TO
THIS FREE AND FUN EVENT
ON DEC. 5.**

Thousands of lights brighten the winter sky along Evergreen Road every year. We invite you to make it part of your family's tradition to stop by and join your neighbors for a hot chocolate and sweet treats. Plus, we will have a special guest from the North Pole.

We will have a special tree lighting ceremony along with holiday crafts for the children. While you are here, you can learn about the LED holiday lights we use which are not only beautiful but energy efficient. Keep an eye on our Facebook page for more details.

Vera's operations department dispatches water and power crews throughout the district

The day to day delivery of your water and power services is coordinated seamlessly through the professional services of our operations department in partnership with our customer service and IT departments.

While there is no typical day at Vera Water and Power, we are busier than ever with new construction, maintenance, and regular service calls. Over the past five years, our district has grown by 2.52 percent per year.

Additionally, we have been busy building redundancy in our system to improve reliability. Some of these projects included substation upgrades and the installation of new conduit within the district. Investments in



VERA WATER AND POWER ASSISTANT OPERATIONS DIRECTOR KIM POFFENROTH AND WATER FOREMAN BRADY STEWART ARE COORDINATING CONSTRUCTION SCHEDULE.

projects like these make our delivery system more reliable than ever. So, you can count on us to keep the lights on and the water flowing.

APPENDIX F

WSWRA IRRIGATION DISTRICT ELECTION GUIDANCE DOCUMENT



WASHINGTON STATE WATER RESOURCES ASSOCIATION

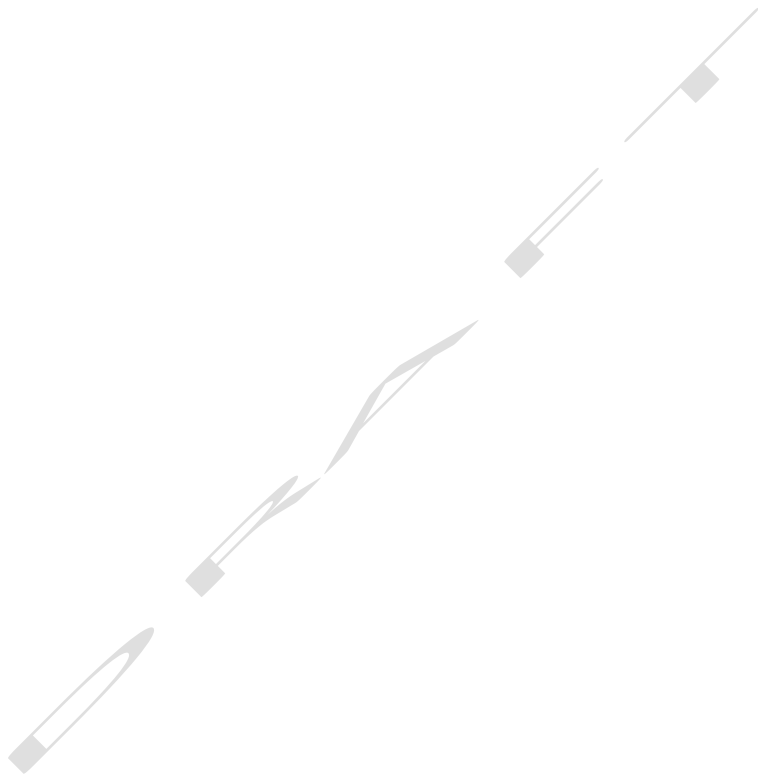
IRRIGATION DISTRICTS ELECTIONS GUIDANCE DOCUMENT

November 25, 2019

Table of Contents

Introduction to the Irrigation Districts Elections Guidance Manual	5
Organization of Guidance Manual	7
Irrigation Districts Elections – Generally	9
 Irrigation District Election Laws	9
 Irrigation District Elections Calendars	9
Elections are Governed by Irrigation District Laws	10
Irrigation District Directors – Number and Length of Term	11
Directors – Filling Vacancies	12
Directors – Recall and Discharge	12
Open Director Position Filing Period	14
The Uncontested Election	15
Qualifications of Electors	16
 Qualifications of Electors: Districts of 200,000 Acres or More	16
Qualifications of Electors – Districts of Less than 200,000 Acres	17
Residency Requirements for a Qualified Director	19
Certain Districts – Individual Ownership, Two Votes	20
Interpreting the Term “Qualified Voter” – AGO 1962 Number 157	21
 Qualified Voter	21
Not Qualified Voter:	22
 Identifying the Qualified Elector	22
 Notice to Qualified Voters of Irrigation District Elections	23

<u>Absentee Voting</u>	25
<u>The Notice of Election – Absentee Voting</u>	25
<u>Conducting the Election</u>	29
<u>Precincts and Board of Elections</u>	30
<u>Election Officers: Responsibilities, the Oath and Voting Hours</u>	32
<u>Counting Votes – Record of Ballots</u>	35
<u>Absentee Voting: How Incoming Ballots are Handled – Canvass Statement of Result of Both Regular and Absentee Ballots</u>	35
<u>Certification of Returns – Preservation for Recount</u>	37
<u>Canvassing the Vote</u>	38



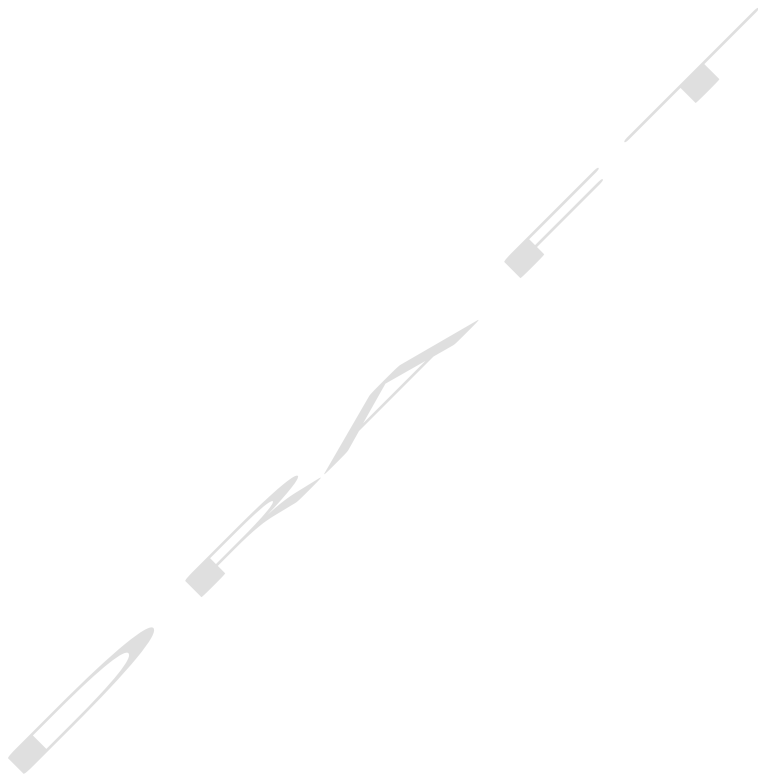
Introduction to the Irrigation Districts Elections Guidance Manual

The intent of the Washington State Water Resources Association (WSWRA) *Irrigation Districts Elections Guidance Manual* is to be faithful to the basic content of the election statutes and has been designed to closely follow the existing irrigation districts statutes related to elections. This manual has been arranged in an outline or bulleted format to better break up the material into manageable sections. At this early stage, this manual will not delve deeply into the specific actions that an irrigation district takes to effectuate the intent of the statutes.

We will, however, provide materials in the appendix to this guidance document that have been provided by certain irrigation districts as examples of policies or manuals they have developed. The reason for reliance on these appendices is that an individual irrigation district, in order to carry out its elections, may take specific actions, in compliance with the statutes, that are consistent with how they must conduct an election based on the districts size, location, and other resources available.

It is the intention of WSWRA to work with you and educate you about the processes related to irrigation district elections so elections are carried out in a consistent manner and in accordance with state laws. WSWRA's member districts are committed to seeing this standardization effort implemented.

This guidance document is in the initial draft stage and will be reviewed, revised, and improved over time with the able assistance and contributions of our member districts and their staff.



Organization of Guidance Manual

This manual is organized in the order of proceeding with an election and not necessarily in the order the procedures occur in the irrigation districts statutes. The manual is faithful to the language in Revised Code of Washington (RCW) [87.03](#) et sequentes. At the end of this guidance document, there will be numerous appendices that may be used as reference materials for the reader.

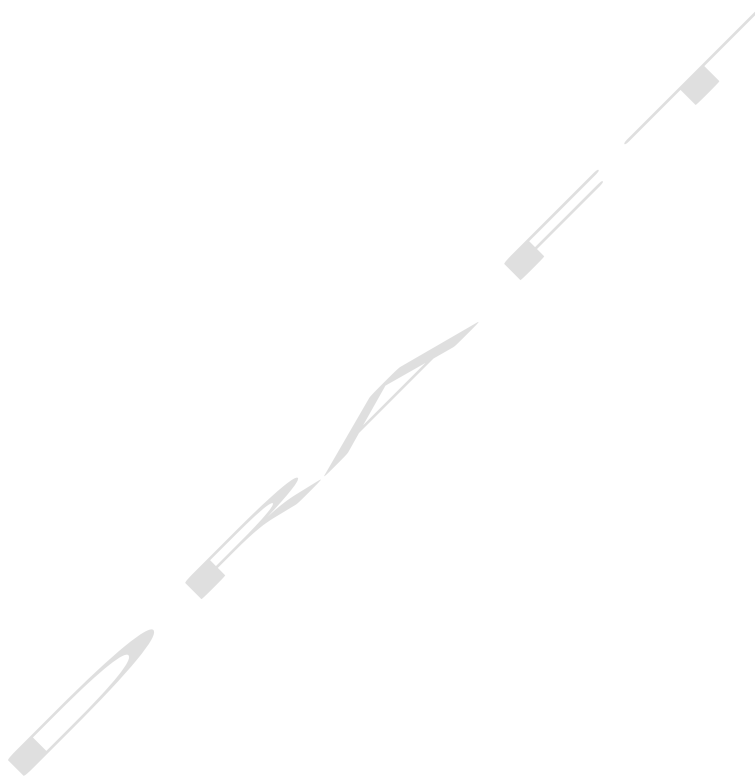
About WSWRA and Our Members

The Washington State Water Resources Association (WSWRA) is the coordinating agency for irrigation districts in Washington State. WSWRA was established in 1947 by Revised Code of Washington (RCW) [87.76.010](#). The enacting legislation required that:

“The directors of the several irrigation districts in the state shall take such action as they deem necessary to effect coordination of their common programs for the economical and efficient operation of their districts and the reclamation of lands therein, and prepare reports annually for such operations.”

WSWRA is made up of a coalition of over 100 irrigation districts scattered across Washington State from the Dungeness River basin to the Walla Walla River basin. WSWRA member districts provide water to over 1.2 million acres of irrigated agriculture in Washington State. A common characteristic amongst all WSWRA members is their dedication to the promotion of the reclamation of arid lands for the purpose of developing and serving irrigated agriculture. WSWRA member districts play a significant role via water delivery in supporting the enormous agricultural economy Washington State.

WSWRA is governed by a 15-member Board of Directors and its principal office is located in Olympia, Washington.



Irrigation Districts Elections – Generally

Irrigation District Election Laws

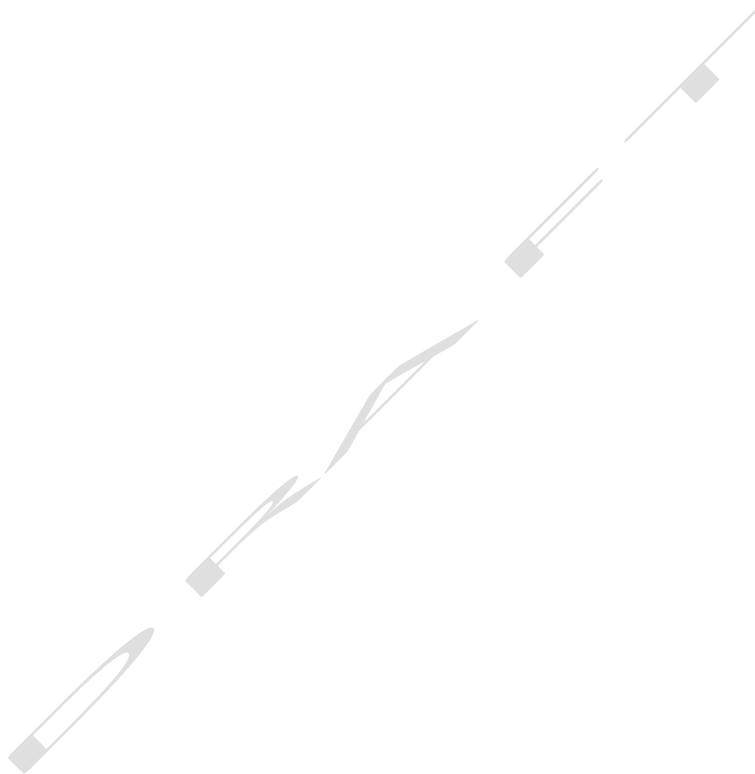
Washington State law is clear that all statutes related to irrigation district laws are contained within the Revised Code of Washington (RCW) title [87.03](#). However, you may need to look at other resources such as the Attorney General's opinions or case law to better understand the requirements of RCW section [87.03.030](#).

Irrigation District Elections Calendars

It may be helpful at this point to have an irrigation district election calendar available for your reference as you move through the sequence of irrigation district election procedures. You may choose to create your own calendar that is specific to your district's operation needs, but a couple good examples of the election calendar are located in the appendices at the end of this guidance document. See *Appendix E – South Columbia Basin Irrigation District Materials* and *Appendix G – Yakima Tieton Irrigation District Materials*.

Elections are Governed by Irrigation District Laws

All elections in irrigation districts, general or special, for any district purpose, and in any county of the state shall be called, noticed, and conducted in accordance with the laws of the state, specifically relating to irrigation districts.



Irrigation District Directors – Number and Length of Term

As a part of the initial organization of an irrigation district, Revised Code of Washington (RCW) [87.03.020\(4\)](#) requires a district to choose the number of directors to govern the district. A district can be governed by three, five, or seven directors.

RCW [87.03.080](#) explains the director terms at the creation of the district. Regardless of the number of directors selected, the term of an irrigation district director shall not exceed three years between elections:

- **Three Directors:** “If the board consists of three directors the candidate receiving the highest number of votes shall serve a term of three years; the next highest, two years; and the next highest, one year.
- **Five Directors:** In case of five directors, the two candidates receiving the highest number of votes shall each serve a term of three years; the next two highest, two years; and the next highest, one year; or until successors are elected and qualified.
- **Seven Directors:** In case of seven directors, the three candidates receiving the highest number of votes shall each serve a term of three years, the next two highest, two years, and the next two highest, one year, or until their successors are elected and qualified.”

After the initial organizational phase of staggered elections, irrigation district director terms are for three years. Under these circumstances, a district will have at least one director come up for election each year.

The one exception to this rule is when an irrigation district director position has been vacated out of its normal election cycle.

Table: Summary of Irrigation District Directors – Number and Length of Director Term at the Initial Organization of the Board

	Candidate(s) with the highest number of votes	Candidate(s) with second highest number of votes	Candidate (s) with third highest number of votes
Three Directors	3 year term (one position)	2 year term (one position)	1 year term (one position)
Five Directors	3 year term (two positions)	2 year term (two positions)	1 year term (one position)
Seven Directors	3 year term (three positions)	2 year term (two positions)	1 year term (two positions)

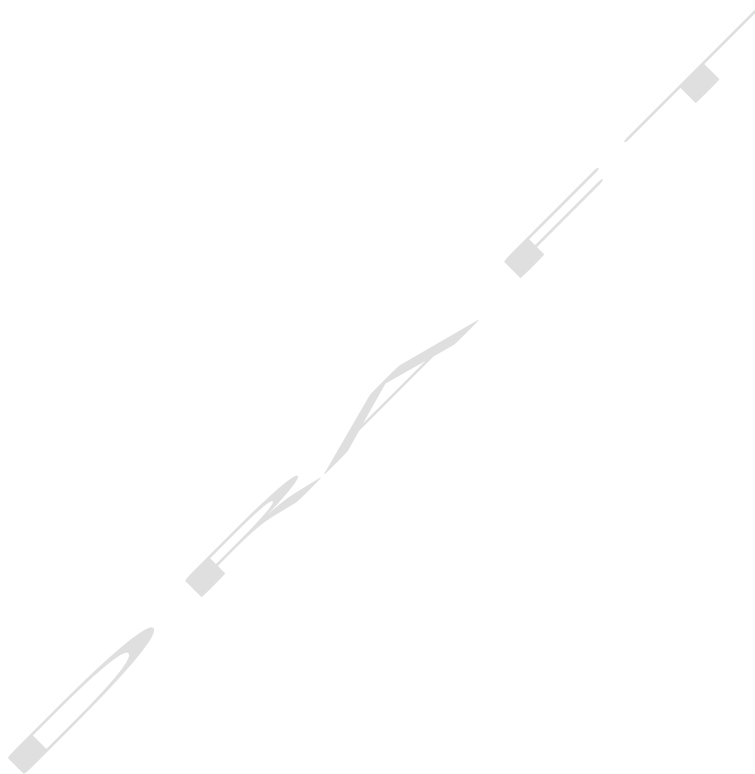
Directors – Filling Vacancies

A vacancy in the Office of Director shall be filled by appointment by the Board of County Commissioners of the county in which the proceedings for the organization of the district were held.

At the next election of directors occurring thirty days or more after the appointment, a successor shall be elected who shall take office on the first Tuesday in January next and shall serve for the term for which he or she was elected. Failure on the part of any irrigation district to hold one or more annual elections for selection of officers, or otherwise to provide district officers shall not dissolve the district or impair its powers, where later officers for the district are appointed or elected and qualify as such and exercise the powers and duties of their offices in the manner provided by law.

Directors – Recall and Discharge

Every member of an irrigation district board of directors is subject to recall and discharge by the legal voters of the district, pursuant to the provisions of the Revised Code of Washington (RCW) chapter [29A.56](#).



Open Director Position Filing Period

Once irrigation district elections are conducted in a regular cycle, any applicant for the expiring director position must follow certain steps to properly apply.

The first step of the application process is the opening of the filing period for the expiring position. The Revised Code of Washington (RCW) 87.03.075 states that candidates for the position of director, *in lieu of filing a declaration of candidacy hereunder*, shall file with the secretary of the district a petition of nomination signed by at least ten qualified electors of the district or of the division, if the district has been divided into director divisions.

Petitions are due no later than 5 o'clock p.m. on the first Monday in November.

The petition for nomination is the common method for filing for an open or expiring irrigation district director position. A good example of this petition may be found in *Appendix G – Yakima Tieton Irrigation District Materials **Form K***.

It is necessary that all 10 signatures be from qualified electors from within the district and from within the specific division being petitioned, for districts divided into director divisions. The laws for determining qualified electors can be found below in the section entitled, "qualification of electors".

The Uncontested Election

An uncontested election occurs when only one candidate has properly filed a petition of nomination for an expiring director position. For these occurrences, the Revised Code of Washington (RCW) **87.03.075** states that if, after the expiration of the date for filing petitions of nomination, it appears that only one qualified candidate has been nominated thereby for each position to be filled:

- it shall not be necessary to hold an election, and
- the board of directors shall at their next meeting declare such candidate elected as director.

The secretary shall immediately make, sign, and deliver to the candidate a **certificate of election** bearing the seal of the district.

An example of the certificate the election can be found in *Appendix G – Yakima-Tieton Irrigation District Materials, **Form J***.

Note: It is important to note that RCW 87.03.075 related to uncontested director elections does not apply to other irrigation district elections. The statute clearly states “The procedure set forth in this paragraph shall not apply to any other irrigation district elections.”

Qualifications of Electors

The statutes that determine the qualifications for irrigation district electors are among the most important since they determine who has the legal right to vote under the irrigation district code title [87.03](#) RCW. Under Washington State irrigation district election laws, there are two separate statutes for determining qualified electors to an irrigation district election:

1. RCW [87.03.045](#) describes the process for determining qualified electors for districts of **over 200,000 acres**.
2. RCW [87.03.051](#) describes the process for determining qualified electors for districts **under 200,000 acres**.

It is important to identify the category for your district falls under and to follow the process carefully.

Qualifications of Electors: Districts of 200,000 Acres or More

The Revised Code of Washington (RCW) [87.03.045](#) states that “in districts with two hundred thousand acres or more” an elector must meet the following to be qualified and entitled to a vote:

- Be eighteen years old or older,
- a citizen of the United States,
- and a resident of the state,
- and hold title or evidence of title to land in the district or proposed district.

The statute then explains the number of votes for each qualified elector:

- He or she shall be entitled to **one vote for the first ten acres** of said land or fraction thereof and
- **Receive one additional vote for all of said land over ten acres.**

The statute also describes the qualified electors' residency requirements:

- An elector resident in the district shall vote in the precinct (division) in which he or she resides, all others shall vote in the precinct nearest their residence.

That same section, RCW [87.03.045](#), then goes on to explain the division of votes among individual and entities:

- Where land is community property, both the husband and wife may vote if otherwise qualified.
- An agent of a corporation owning land in the district, duly authorized in writing, may vote on behalf of the corporation by filing with the election officers his or her instrument of authority.

Qualifications of Electors – Districts of Less than 200,000 Acres

In districts of less than 200,000 acres, there are some differences in determining who is a qualified voter. The Revised Code of Washington (RCW) [87.03.051](#) says “In districts with less than two hundred thousand acres”:

- a person eighteen years old, being
- a citizen of the United States and
- a resident of the state and
- holding a title or **evidence of title to assessable land in the district** or proposed district shall be entitled to vote therein, and to be recognized as an elector.
- A corporation, general partnership, limited partnership, limited liability company, or other legal entity formed pursuant to the laws of the state of Washington or qualified to do business in the state of Washington owning land in the district shall be recognized as an elector.

- As used in this section, "entity" means a corporation, general partnership, limited partnership, limited liability company, or other legal entity formed pursuant to the laws of the state of Washington or qualified to do business in the state of Washington. An agent of an entity owning land in the district, duly authorized in writing, may vote on behalf of the entity by filing with the election officers his or her instrument of authority.
- "Ownership" shall mean the aggregate of all assessable acres owned by an elector, individually or jointly, within one district.

The relative voting rights are then described within that same section. "Voting rights shall be allocated as follows":

- **Two votes for each five acres of assessable land or fraction thereof.**
- No one ownership may accumulate more than forty-nine percent of the votes in one district. If assessments are on the basis of **shares instead of acres**, an elector shall be entitled to **two votes for each five shares** or fraction thereof.

The division of votes among individuals and entities is then further described within that same statutory section RCW [87.03.051](#):

- The ballots cast for each ownership of land or shares shall be exercised by common agreement between electors or when land is held as community property, *(for an example, see Appendix G – Yakima-Tieton Irrigation District forms M and N).*
- When land is held as community property, the accumulated votes may be divided equally between husband and wife. Except for community property ownership.
- In the absence of the submission of the common agreement to the secretary of the district at least twenty-four hours before the opening of the polls, the election board shall recognize the **first elector to appear** on election day as the elector having the authority to cast the ballots for that parcel of land for which there is more than one ownership interest.

Residency Requirements for a Qualified Director

The Revised Code of Washington (RCW) [87.03.045](#) and [87.03.051](#) describes the residency requirements for a qualified director.

- A majority of the directors shall be residents of the county or counties in which the district is situated and all shall be electors of the district.
- If more than one elector residing outside the county or counties is voted for as director, only the one who receives the highest number of votes shall be considered in ascertaining the result of the election.
- A director shall represent the precinct in which he or she resides or shall represent the precinct nearest their residence.
- No director shall be qualified to take or retain office unless the director holds title or evidence of title to land within the district.

Certain Districts – Individual Ownership, Two Votes

In some situations, an irrigation district's voting shares are converted to a system where each voter has a right to only two votes. The Revised Code of Washington (RCW) [87.03.071](#) describes this process.

In any irrigation district where **more than fifty percent of the total acreage** of the district is **owned in individual ownerships of less than five acres**, each elector who is otherwise qualified to vote pursuant to RCW [87.03.045](#) shall be **entitled to two votes regardless of the size of ownership**.

Each ownership shall be represented by two votes if there are multiple owners or joint owners of a single ownership. The owners shall decide among themselves what their two votes shall be.

If the ownership is held as community property, the husband shall be entitled to one vote and the wife shall be entitled to one vote, or they may vote by common agreement.

Note: The terminology used in this statutory section utilizes a different terminology indicating that the vote allocation changes to two votes regardless of the size of the size of the ownership when the “total acreage” of the district is more than 50% owned in individual ownerships of less than 5 acres. It may be up to the district and their legal counsel to determine the meaning of the term “total acreage”.

Interpreting the Term “Qualified Voter” – AGO 1962 Number 157

Washington State Attorney General’s Opinion: AGO 1962 number 157 – August 24, 1962 (see Appendix A)

Because of some ambiguity regarding the meaning of “title or evidence of title” for the purposes of determining whether an individual or entity is a “qualified voter” in the irrigation district statutes, the Washington State Attorney General’s office was asked to weigh in on what interests in land meet the requirement of holding title or evidence of title in defining a *qualified voter*.

Here is a list summarizing the Attorney General’s opinion regarding who or what is a qualified voter for the purpose of irrigation district elections:

Qualified Voter

A qualified voter can be:

- a contract purchaser of land and an irrigation district,
- a contract vendor of land in an irrigation district,
- the heirs and devisees of a deceased holder of title to land in an irrigation district,
- an incompetent person holding title to land in an irrigation district,
- persons holding title to land in an irrigation district as tenants-in-common,
- persons holding title to land in an irrigation district as joint tenants,
- husband and wife holding land in an irrigation district as community property,
- a trustee who holds title to land in an irrigation district for the benefit of another person, or
- an agent of a corporation, church, limited liability corporation (LLC) or the trustee of a trust may cast one ballot. The agent must show authorization to vote.

For our landowners of partnerships and other similar associations, the number of votes depends on the partner's percentage in the ownership in the land in the partnership. In no circumstance may a qualified voter cast more than 2 votes in districts of over 200,000 acres.

Not Qualified Voter:

The following interests in land are not sufficient to establish qualifications to vote in irrigation district elections:

- the executor or administrator of the estate of the deceased holder of title to the land in an irrigation district,
- the guardian of an incompetent person who holds title to land in an irrigation district, or
- the beneficiary of a trust which holds title to land in an irrigation district.

Identifying the Qualified Elector

Washington State law does not specifically describe the process a district must go through to determine who is a "qualified elector" within their district. Instead, potential electors may ask for an absentee ballot and provide their statement of qualifications or elector qualifications will be determined by the election board at the polling place when the elector provides evidence of title and other necessary qualifications.

Irrigation districts take a significant amount of time and effort to determine their assessment roles. These roles often serve as the underlying document for determining an electors' qualifications for casting a valid vote with the district.

For an example of the process that an irrigation district goes through to determine its assessment roles refer to *Appendix D -Naches-Selah Irrigation District (NSID) Election Document, Irrigation District Timeline for Assessments*.

It is up to each district to determine its internal processes for identifying qualified electors. The irrigation district statutes and interpretations by the state Attorney General's Office will guide each district in this process.

Example of Process: Sunnyside Valley Irrigation District (SVID)

SVID maintains the assessment roll through information that comes from county assessor department, title companies, buyers, and sellers.

- County(s) send new parcel numbers via email throughout the year. Once information is received staff checks ownership from the appropriate county assessor department.
- Title Companies will fax new ownership information.
- Buyers and sellers will verbally give the District new landowner information.
- District staff will continually check the county's website for updated information.
- District staff will refer to the GIS system to verify an elector's director division.

Notice to Qualified Voters of Irrigation District Elections

The requirements for conducting an election can be found in the Revised Code of Washington (RCW) [87.03.085](#).

- **Timing of Notice:** Timing of Notice is fifteen days before any election held under this chapter, subsequent to the organization of any district.
- **Placement of Notice:** The secretary of the Board of Directors shall post notices with the time and place the election will be held in three public places within each election precinct. The secretary shall also post a general notice specifying the polling places of each precinct in the office of the Board. The posting location within the Board office shall be a fixed location and determined by the Board.

Note: The irrigation district laws provide the minimum requirement for notice to qualified voters of an upcoming election

You can find an example of the notice of election in both English and Spanish in *Appendix G – Yakima-Tieton Irrigation District **Form C***. It should be noted that the law does not specifically require the notice to be in both English and Spanish this was a choice made by the district to better serve its water users.

In *Appendix G – Yakima-Tieton Irrigation District*, you can find **Form H** which is an affidavit of posting notice which is signed by the irrigation district manager attesting to the fact that the posting of notice has been properly completed.

Irrigation districts are required to conform with the letter of the law as relates to their statutes on notice of elections. However, districts may take voluntary actions to further supplement the process of notification of elections even if such election may take place or not in the future. Some examples of this are:

- new water user newsletters
- regular newsletters
- assessment notices
- newspaper ads
- public service announcements

Absentee Voting

It is fairly common that individuals cannot be present to cast their vote at the established voting time and place during an election. If an individual can't be present, they may ask for an absentee ballot. The Revised Code of Washington (RCW) [87.03.031](#) states that any qualified district elector who certifies (as provided in RCW 87.03.032 through 87.03.034) shall be entitled to a vote by absentee ballot. To qualify for an absentee ballot, qualified elector must certify that they can't be present at their proper election precinct on the day of the election to cast their ballot.

The appendices to this document contain some good examples of how to manage absentee voting processes. Below are just a few of those examples.

For an example of a request for absentee ballot see *Appendix G – Yakima-Tieton Irrigation District, **Form B.***

For absentee ballot instructions see *Appendix G – Yakima-Tieton Irrigation District, **Form D.***

The Notice of Election – Absentee Voting

The **Notice of Election** produced by the district also contains requirements related to absentee voting. The Revised Code of Washington (RCW) [87.03.032](#) states that:

- **Notice of Election** shall conform to the requirements for election notices provided by Title 87 RCW for the election being held, **and shall specify in addition:**
 - that any qualified district elector who certifies that he or she **cannot conveniently be present** at his or her proper election precinct on the day of election may vote by absentee ballot,

- and that a **ballot and form of certificate of qualifications** will be furnished to him or her **on written request being made of the district's secretary**.
- and, the requisite ballot and form of certificate of qualifications shall be furnished by the district's secretary to any person who prior to the date of election makes written request stating that he or she is a qualified district elector.

Irrigation districts may voluntarily mail ballots to known qualified electors.

Form of the Absentee Ballot: RCW [87.03.033](#) contains requirements for the form of the absentee ballot.

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

(a) It must be sealed in an unmarked envelope (for the purpose of this guidance “unmarked” means the envelope should not have identifying information regarding the elector or the vote cast. The envelope may include an envelope identifier and voting instructions) and

- delivered to the district's principal office prior to the close of the polls on the day of the election;
- **or** be sealed in an unmarked envelope and mailed to the district's secretary,
- postmarked no later than midnight of that election day and received by the secretary within five days of that date.

(b) The sealed envelope containing the ballot shall be accompanied by a certificate of qualifications stating, with respect to the voter, his or her name, age, citizenship, residence, that he or she holds title or evidence of title to lands within the district which, under RCW 87.03.045, entitles him or her to vote in the election, and that he or she cannot conveniently be present to cast his or her ballot at his or her proper election precinct on election day.

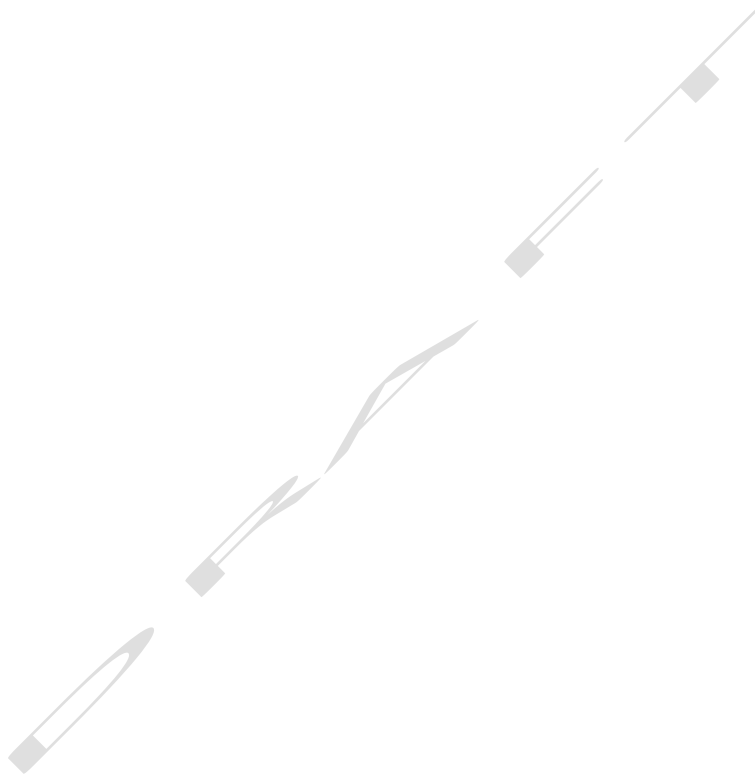
(c) The statements in the certificate of qualifications shall be certified as correct by:

- the voter by affixing his or her signature thereto in the presence of a witness's signature who is acquainted with the voter,
- and the voter shall enclose and seal his or her ballot in the unmarked envelope in the presence of this witness but without disclosing his or her vote.
- The witness, by affixing his or her signature to the certificate of qualifications, shall certify that he or she is acquainted with the voter, that in his or her presence the voter's signature was affixed and the ballot enclosed as required in this paragraph.

(2) The form of **statement of qualifications** and its certification shall be substantially as prescribed by the district's board of directors.

- This form may also provide that the voter shall describe all or some part of his or her lands within the district which, under RCW [87.03.045](#) entitles him or her to vote in the election, **but** a voter otherwise qualified shall not be disqualified because of the absence or inaccuracy of the description so given.
- The regular form of irrigation district ballot shall be used by absentee voters.

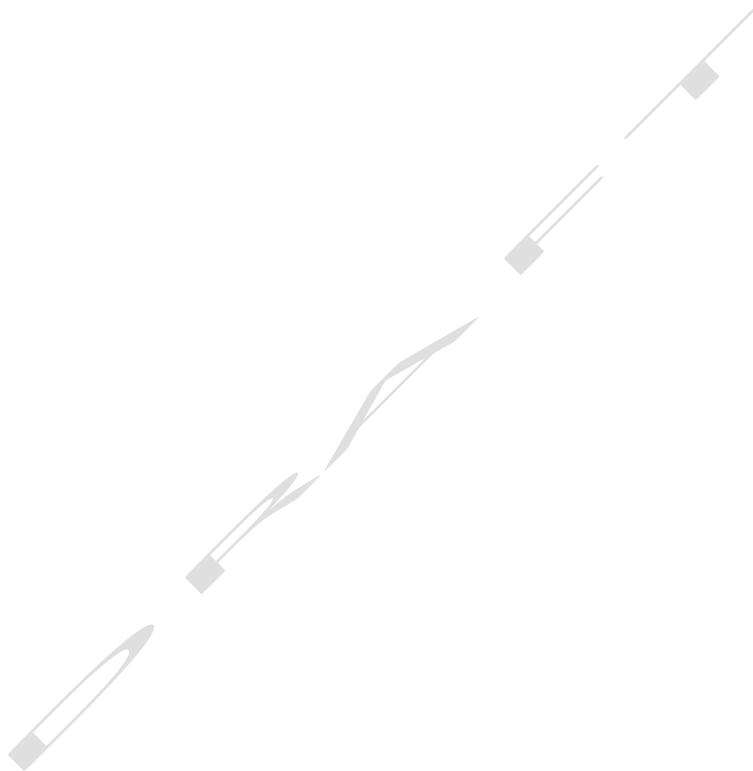
*The certificate of qualifications is the statement found on the Certificate of Absentee Voter in Appendix G – Yakima-Tieton Irrigation District, **Form E**.*



Conducting the Election

In the event there are two or more appropriately filed petitions for a single director position, the Revised Code of Washington (RCW) [87.03.085](#) provides that:

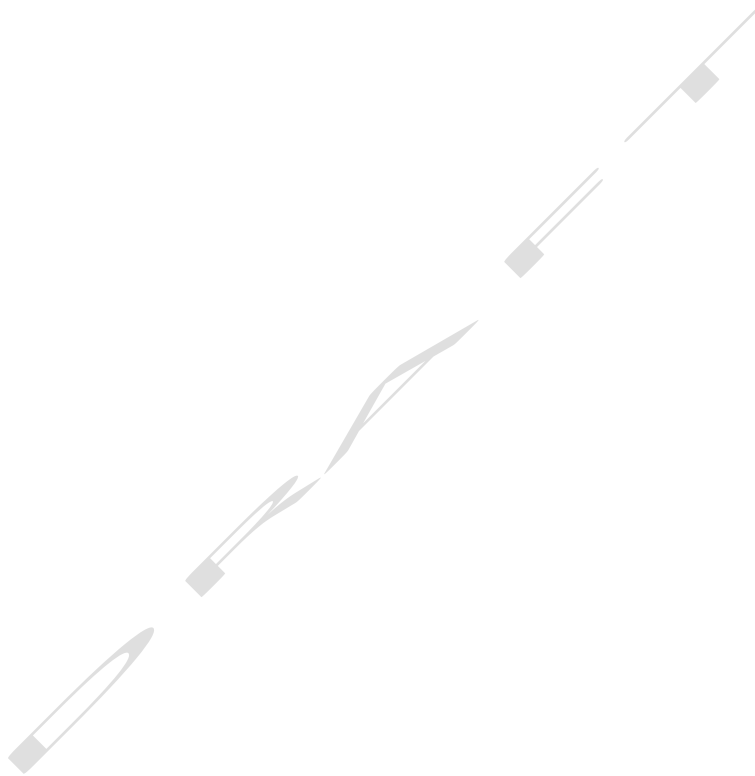
- An election of directors in an irrigation district shall be held on the **second Tuesday of December** of each year,
- The **term of each director shall be three years**, and
- The term will begin the **first Tuesday of January** following his or her election.



Precincts and Board of Elections

The Revised Code of Washington (RCW) [87.03.085](#) gives very specific instructions on appointing a board of elections and the options for the Board of Directors to determine the location of the polling places. It is important to note that districts of less than 200,000 acres with more than one director division, the Board of Directors may use their discretion to designate only one polling place within the district to serve more than one election precinct. Also, the board of directors of any irrigation district may designate the principal business office of the district as a polling place to serve one or more election precincts and may do so regardless of whether the business office is located within or outside of the boundaries of the district.

- Prior to the time for posting the notices, the board must appoint for each precinct, from the electors thereof, one inspector and two judges, who shall constitute a board of election for the precinct.
- If the board of directors designates a single polling place for more than one election precinct, then the election officials appointed by the board of directors may serve more than one election precinct and the election officials may be electors of any of the election precincts for which they are the election board.
- If the board fails to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour may appoint the board, or supply the replacement of an absent member thereof.
- The board of directors must, in its order appointing the board of election, designate the house or place within the precinct where the election(s) must be held.



Election Officers: Responsibilities, the Oath and Voting Hours

The Role of the Election Inspector

The Election inspector is chair of the election board, and may:

- Administer all oaths required in the progress of an election
- And appoint judges and clerks

The board of election for each precinct may, if they deem it necessary, before opening the polls, appoint two persons to act as clerks of the election.

The Oath

Before opening the polls, each member of the Board and each clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath.

If, during the progress of the election, any judge or clerk ceases to act, any member of the Board of Election, or any clerk thereof, may administer and certify oaths required to be administered during the progress of an election.

You can find an example of an Oath of Office in *Appendix G – Yakima-Tieton Irrigation District*, **Form L**.

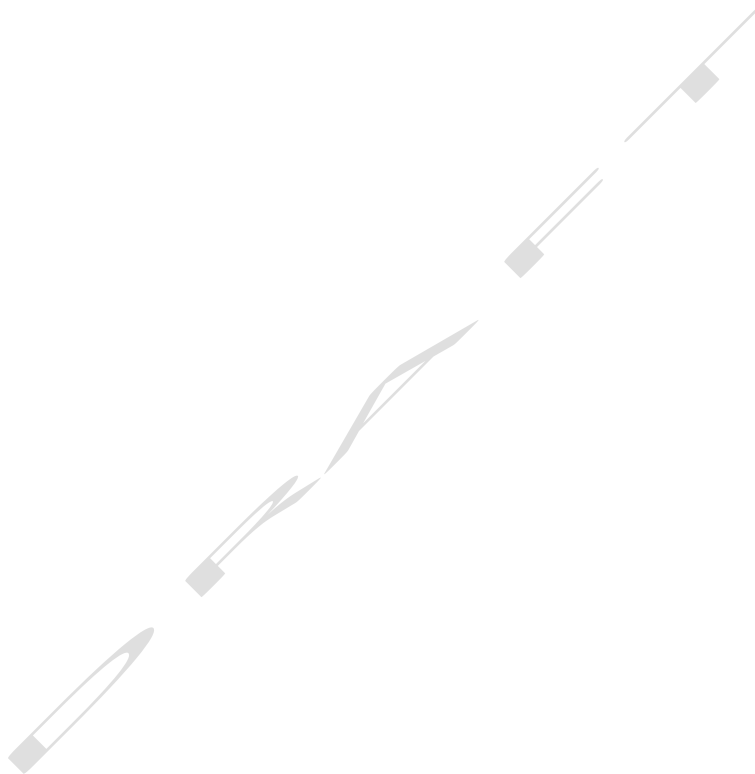
Polling Hours

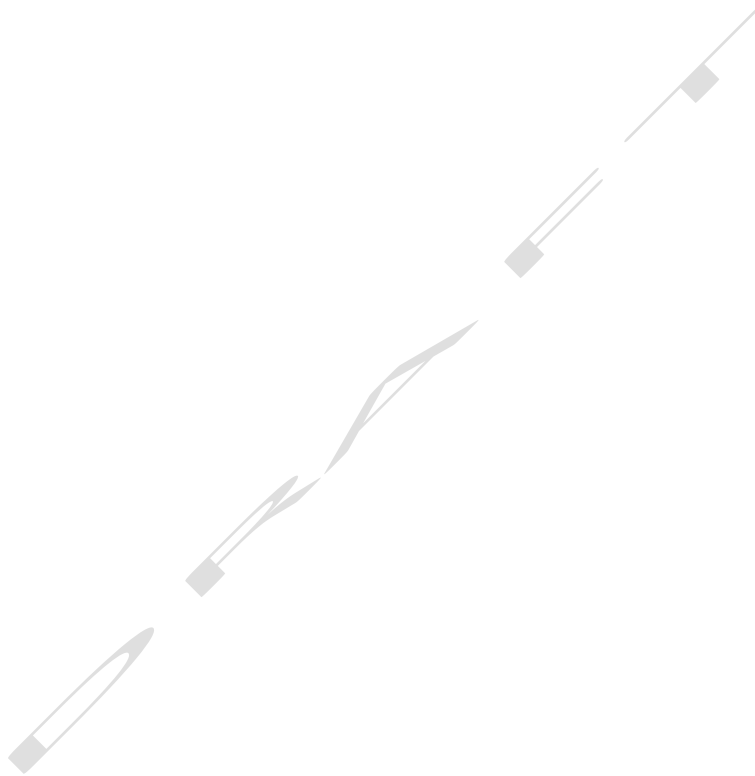
The polling location must be **opened at one o'clock p.m. on the afternoon of the election, and remain open until eight o'clock p.m.**, when the polling location can close.

Form of Ballot

The provisions of the general election law of this state, concerning the form of ballots to be used shall not apply to elections held under this act: PROVIDED, that any district

elections called before this act shall take effect shall be noticed and conducted in the manner prescribed by law in effect at the time the election is called.





Counting Votes – Record of Ballots

The Revised Code of Washington (RCW) [87.03.095](#) is very specific regarding the process for counting and reporting ballots.

- Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain opened. (1:00 p.m. to 8:00 p.m.)

As soon as the polls are closed, the judges shall open the ballot box and commence counting the votes. When counting the votes:

- in no case shall the ballot box be removed from the room in which the election is held until all the ballots have been counted;
- the counting of ballots shall in all cases be public;
- the ballots shall be taken out, one by one, by the inspector or one of the judges, who shall open them and read aloud the names of each person contained therein and the office for which every such person is voted for;
- each clerk shall write down each office to be filled, and the name of each person voted for such office, and shall keep the number of votes by tallies, as they are read aloud by the inspector or judge; and
- the counting of votes shall be continued without adjournment until all have been counted.

Absentee Voting: How Incoming Ballots are Handled – Canvass Statement of Result of Both Regular and Absentee Ballots

(1) Absentee ballots shall be accumulated and kept, unopened, by the district's secretary until the 5th day following the election (which will always land on a Sunday for director elections).

- (a) The secretary shall deliver them to the board of directors as early as practicable on the following day.

- That board shall proceed at once to determine whether the voters submitting absentee ballots are qualified so to vote and to count and tally the votes of those so determined to be qualified.
- The board shall make, record, and certify the result of its determinations and count; and promptly thereafter it shall deliver the ballots, certificates of qualifications, and its certificate to the district's secretary. The provisions of RCW [87.03.100](#) with respect to recount shall govern also in the case of absentee ballots.

(2) On the completion of the canvass of the regular returns of the several election precincts as provided in RCW [87.03.105](#), the board of directors shall canvass the returns of the absentee votes and declare the result thereof in substantially the same manner as provided for the returns of the votes cast in the regular manner. Thereupon the statement of the result conforming as nearly as practicable to the requirements of RCW [87.03.110](#) shall be made covering both regular and absentee votes.

Certification of Returns – Preservation for Recount

The Revised Code of Washington (RCW) [87.03.100](#) again gives a very specific process for certifying returns and preserving all materials in the event of a recount.

Certificate of Returns

As soon as all the votes are read off and counted, a certificate shall be drawn upon each of the papers containing the poll list and tallies, or attached thereto. The certificate shall be signed by the clerks (if appointed), judges, and the inspector and:

- state the number of votes each candidate has received in both written figures and in words at full length,
- state the office each candidate was running for,

One of said certificates, with the poll list and the tally paper to which it is attached, shall be retained by the inspector, and preserved by him or her for at least six months.

The Ballots

The ballots, together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the inspector, in the presence of the judges and clerks (if appointed), and endorsed "*Election returns of [naming the precinct] precinct*". The election returns will:

- be directed to the secretary of the board of directors, and
- shall be immediately delivered by the inspector, or by some other safe and responsible carrier designated by said inspector, to said secretary, and
- the ballots shall be kept unopened for at least six months, and
- if any person is of the opinion that the vote of any precinct has not been correctly counted, he or she may appear on the day appointed for the board of directors to

open and canvass the returns, and demand a recount of the vote of the precinct that is claimed to have been incorrectly counted.

See also the Government Records Retention Schedule DAN GS2012-019.1 regarding records retention requirements for election records.

Canvassing the Vote

It is the duty of the irrigation districts Board of Directors to determine that the vote has been correctly counted. This process is called canvassing. Specific direction on canvassing can be found in the Revised Code of Washington (RCW) [87.03.105](#).

- **Canvassing:** No list, tally paper, or certificate returned from any election shall be set aside or rejected for want of form if it can be satisfactorily understood.
- **Time for canvassing:** The board of directors must meet at its usual place of meeting on the **first Monday after each election** to canvass the returns.
- If, at the time of meeting, the returns from each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns.
- If, at the time of meeting, all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six postponements have been had.
- The canvass must be made in public, and by opening the returns and announce the vote of the district for each person voted for, and declaring the result thereof.

Statement of Result of Election – Certificate of Election

The secretary of the Board of Directors must, as soon as the result is declared, enter in the records of such board a statement of such result. The statement must show the:

- (1) whole number of votes cast in the district;
- (2) name of the persons voted for;
- (3) office to fill which each person was voted for;
- (4) number of votes given in each precinct to each of such persons; and
- (5) number of votes given in each precinct for and against any proposition voted upon.

The Board of Directors must declare elected the person having the highest number of votes given for each office. The secretary must immediately make out, sign, and deliver to such person a certificate of election authenticated by the seal of the district.

For an example of a statement the result of election see *Appendix G – Yakima-Tieton Irrigation District, Form I*.

**APPENDICES FOR THE WSWRA ELECTION GUIDANCE DOCUMENT MAY BE
FOUND HERE:**

https://drive.google.com/file/d/1GI-SX9J3hNftlvFUxSfDn_pSB31cJaaO/view?usp=sharing

