
SUBSTITUTE SENATE BILL 5705

State of Washington

61st Legislature

2009 Regular Session

By Senate Government Operations & Elections (originally sponsored by Senator Swecker)

READ FIRST TIME 02/19/09.

1 AN ACT Relating to voting rights in special districts; amending RCW
2 85.38.105 and 29A.04.330; and adding a new section to chapter 85.38
3 RCW.

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

5 **Sec. 1.** RCW 85.38.105 and 1991 c 349 s 2 are each amended to read
6 as follows:

7 (1) The owner of land located in a special district who is a
8 qualified voter of the special district shall receive two votes at any
9 election. This section does not apply to special flood control
10 districts consisting of three or more counties.

11 (2) If multiple undivided interests, other than community property
12 interests, exist in a lot or parcel and no person owns a majority
13 undivided interest, the owners of undivided interests at least equal to
14 a majority interest may designate in writing:

15 (a) Which owner is eligible to vote and may cast two votes; or

16 (b) Which two owners are eligible to vote and may cast one vote
17 each.

18 (3) If land is owned as community property, each spouse is entitled

1 to one vote if both spouses otherwise qualify to vote, unless one
2 spouse designates in writing that the other spouse may cast both votes.

3 (4) A corporation, partnership, or governmental entity shall
4 designate:

- 5 (a) A natural person to cast its two votes; or
- 6 (b) Two natural persons to each cast one of its votes.

7 (5) Except as provided in RCW 85.08.025 and 86.09.377, no owner of
8 land may cast more than two votes or have more than two votes cast for
9 him or her in a special district election.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 85.38 RCW
11 to read as follows:

12 All registered voters within a special flood control district
13 consisting of three or more counties are qualified voters in special
14 flood control district elections.

15 **Sec. 3.** RCW 29A.04.330 and 2006 c 344 s 3 are each amended to read
16 as follows:

17 (1) All city, town, and district general elections shall be held
18 throughout the state of Washington on the first Tuesday following the
19 first Monday in November in the odd-numbered years.

20 This section shall not apply to:

- 21 (a) Elections for the recall of any elective public officer;
- 22 (b) Public utility districts, conservation districts, or district
23 elections at which the ownership of property within those districts is
24 a prerequisite to voting, all of which elections shall be held at the
25 times prescribed in the laws specifically applicable thereto;
- 26 (c) Consolidation proposals as provided for in RCW 28A.315.235 and
27 nonhigh capital fund aid proposals as provided for in chapter 28A.540
28 RCW;
- 29 (d) Special flood control districts consisting of three or more
30 counties.

31 (2) The county auditor, as ex officio supervisor of elections, upon
32 request in the form of a resolution of the governing body of a city,
33 town, or district, presented to the auditor prior to the proposed
34 election date, may call a special election in such city, town, or
35 district, and for the purpose of such special election he or she may

1 combine, unite, or divide precincts. Except as provided in subsection
2 (~~(3)~~) (4) of this section, such a special election shall be held on
3 one of the following dates as decided by the governing body:

- 4 (a) The first Tuesday after the first Monday in February;
- 5 (b) The second Tuesday in March;
- 6 (c) The fourth Tuesday in April;
- 7 (d) The third Tuesday in May;
- 8 (e) The day of the primary election as specified by RCW 29A.04.311;

9 or

- 10 (f) The first Tuesday after the first Monday in November.

11 (3) A resolution calling for a special election on a date set forth
12 in subsection (2)(a) through (d) of this section must be presented to
13 the county auditor at least fifty-two days prior to the election date.
14 A resolution calling for a special election on a date set forth in
15 subsection (2)(e) or (f) of this section must be presented to the
16 county auditor at least eighty-four days prior to the election date.

17 (4) In a presidential election year, if a presidential preference
18 primary is conducted in February, March, April, or May under chapter
19 29A.56 RCW, the date on which a special election may be called under
20 subsection (2) of this section during the month of that primary is the
21 date of the presidential primary.

22 (5) In addition to subsection (2)(a) through (f) of this section,
23 a special election to validate an excess levy or bond issue may be
24 called at any time to meet the needs resulting from fire, flood,
25 earthquake, or other act of God, except that no special election may be
26 held between the first day for candidates to file for public office and
27 the last day to certify the returns of the general election other than
28 as provided in subsection (2)(e) and (f) of this section. Such special
29 election shall be conducted and notice thereof given in the manner
30 provided by law.

31 (6) This section shall supersede the provisions of any and all
32 other statutes, whether general or special in nature, having different
33 dates for such city, town, and district elections, the purpose of this
34 section being to establish mandatory dates for holding elections.

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