

EAST COLUMBIA BASIN IRRIGATION DISTRICT

RESOLUTION NO. 2019-16

Policy and Procedures for District Elections

WHEREAS, Chapter 87.03 RCW sets forth the qualifications of voters and directors and the requirements for the conduct of District Elections; and

WHEREAS, the District follows the director division option rather than the precinct option and the definition of elector both as set forth in RCW 87.04.010 as evidenced by the minutes of the Boards of Directors meetings of November 6, 1940, November 5, 1941 and October 7, 1942; and

WHEREAS, the boundaries of Director Divisions 1, 2, 3, 4 and 5 were reaffirmed by a special District-wide election on June 22, 2004, said results being confirmed by Resolution R-60-04 adopted by the Adams County Board of Commissioners on July 7, 2004; and

WHEREAS, those Director Division boundaries are as follows:

Director Division 1: The part of the East District located in Grant County north of Wheeler Road.

Director Division 2: The Grant County portion of the District bounded on the north by Wheeler Road, on the east and south by the Grant/Adams County line, and on the west by the East District Boundary.

Director Division 3: All of the East District located in Lincoln County and that part of the East District located in Adams County north of Providence Road.

Director Division 4: Totally in Adams County, bounded on the north by the Grant/Adams County line, on the south by the Franklin/Adams County line and on the west by the East District boundary. The east boundary of this Director Division follows Booker Road from the Grant/Adams County line to Cunningham Road, then follows Cunningham Road to the east for three miles to the range line separating Ranges 30 and 31 East (Fox Road and its extension) which it follows to the Franklin/Adams County line.

Director Division 5: All of the East District located in Adams County and a portion located in Franklin County, bounded on the north by Providence Road and on the east by the East District boundary. The west boundary of this Director Division follows Booker Road from the Grant/Adams County line to Cunningham Road, then follows Cunningham Road to the east for three miles to the range line separating Ranges 30 and 31 East (Fox Road and its extension) which it follows to the Franklin/Adams County line. The south boundary is defined by the Adams/Franklin County line, and also includes certain Franklin County lands that have been included in the East District.

WHEREAS, the Board of Directors has determined to update and consolidate the District's policy and procedures for the conduct of District Elections,

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the East Columbia Basin Irrigation District that the District's policy and procedures for the conduct of District Elections are stated as follows:

1.0 Director Division Filing Period

1.1 Filing periods, elections and terms of office for the District's five Director Divisions shall occur and reoccur in the following sequence:

| | |
|--------|---------------------------|
| Year 1 | Division 1 and Division 3 |
| Year 2 | Division 2 and Division 4 |
| Year 3 | Division 5 |

1.2 The opening of the Director Division filing period will be announced and be effective the first Wednesday of October. This announcement will be made by the President of the Board of Directors at the October regular meeting of the Board of Directors and by the issuance of a news release by the District. In the event that the regular meeting of the Board of Directors occurs later than the first Wednesday of October the issuance of the news release shall nevertheless be issued and announce the first Wednesday as the opening of the filing period.

The news release is to include a description of the qualifications to serve as Director, a general description of the Director Division boundaries and instructions of how, when and where to file and the date for the Director election. The news release will be issued to newspapers known to be in general circulation within the District area and may also be issued to radio and television media known to be broadcasting within the District area. Paid advertisements and legal notice advertisements are not required.

1.3 The Director Division filing period will close at 5:00 PM on the first Monday in November.

1.4 To qualify as a candidate for Director, an individual must file a Petition of Nomination signed by at least 10 qualified voters in the Director Division he or she is filing to represent and also be a qualified voter within the Director Division he or she is filing to represent. To qualify as a voter an individual must:

- 1.4.1 Be 18 years of age or older
- 1.4.2 Be a U.S. citizen
- 1.4.3 Be a resident of the State of Washington
- 1.4.4 Own land or hold evidence of title to land in the District. Ownership of land and evidence of title includes contract sellers and purchasers of land, land held as part of community property with a spouse and land held in partnership with other(s). Ownership of land and evidence of title for purposes of serving as Director does not include officers or shareholders of corporations wherein the land is owned in the name of the corporation.
- 1.4.5 Must vote only in the Director Division in which he or she owns land or holds evidence of title to land. Persons owning land or holding evidence of title to land in more than one Director Division shall vote only in that Director Division in which he or she owns land or holds evidence of title to land that is nearest his or her residence.

1.5 Petitions of Nomination will only be available at the District's main office located at 55 North 8th in Othello and only after the opening of the filing period. Each Petition form supplied by the District shall include information about the qualifications for voting and serving as a Director. Upon request, the Secretary-Manager or his designee will provide a copy of the voter list for the Director Division to the prospective candidate.

1.6 Upon filing of a Petition of Nomination at the main office the Secretary-Manager or Assistant Secretary will verify that the candidate is a qualified voter within the Director Division he or she is filing to represent and verify that the Petition includes the valid signatures of at least 10 qualified voters in that Director Division. If discrepancies or deficiencies in the Petition or in a candidate's qualifications as a voter are noted, the Secretary-Manager or his designee in consultation with the District's Attorney shall research the circumstances and notify the candidate. Corrections and/or additional signatures to remedy the discrepancy or deficiency may be made provided the filing period has not ended. A candidate may request a review by the Board of Directors of the Secretary-Managers' findings in such situations at a regular, continued or special meeting provided the filing period has not ended.

2.0 When An Election Is Not Required

2.1 When only one valid Petition of Nomination for a Director Division is filed prior to the close of the filing period an election is not required.

2.2 The unopposed candidate will be declared elected by the Board of Directors at the next meeting of the Board of Directors following the close of the filing period in the manner set forth in RCW 87.03.075.

2.3 Following the declaration of election by the Board of Directors a certificate of election shall be delivered to the unopposed candidate in the manner set forth in RCW 87.03.075.

3.0 Conducting Director Elections

3.1 When two or more valid Petitions of Nomination for a Director Division are filed prior to the close of the filing period an election will be held on the second Tuesday of December.

3.2 The Board of Directors shall appoint a Board of Election and designate a polling place as set forth in RCW 87.03.085. The Board of Election shall consist of two Judges and one Inspector. Individuals serving on the Board of Election shall be paid by the District as follows:

Judges – Then current hourly rate for Year 1, Watermaster Clerk

Inspector – Then current hourly rate for Year 1, Water Records Clerk

3.3 The Secretary-Manager or his designee shall post notices of the election in the manner set forth in RCW 87.03.085 and issue a news release informing voters of the election. The news release is to include the names of the candidates, date of the election, location of polling places, voting hours and instructions for absentee voting.

The news release will be issued to newspapers known to be in general circulation within the District area and may be issued to radio and television media known to be broadcasting within the District area. Paid advertisements and legal notice advertisements are not required.

3.4 The Secretary-Manager or his designee shall procure and manage ballots in the manner set forth in RCW 87.03.075. The names of the candidates are to be printed on the ballot in the chronological order in which their respective Petition of Nomination were filed with the District. Ballots shall contain a space for the writing in of the name of an undeclared candidate.

3.5 Absentee voting is to be made available and carried out in the manner set forth in RCW 87.03.031, 87.03.032, 87.03.033 and 87.03.034. Requests for absentee ballots must be made on forms provided by the District. Fax requests are permissible only if they are on forms provided by the District. Email requests are not permissible.

3.6 Upon request, the Secretary-Manager or his designee will provide a copy of the voter list for the Director Division to the candidate.

3.7 Candidates may distribute Absentee Voter's Application forms to voters. Candidates may not distribute absentee ballots.

3.8 Voters may deliver absentee ballots to the District's Main office rather than by mail up until 8:00 PM on election day. Voters may mark absentee ballots in the reception area of the District's Main Office until noon on election day when all ballots are transferred to the Board of Election. Voters may deliver absentee ballots to the Board of Election, if all documents and envelopes are included, on the day of the election during the hours the polls are open for voting.

3.9 On the day of election the District's Main Office shall be kept open until 8:00 PM for the purpose of responding to questions or requests for assistance from the Board of Election and for the acceptance of absentee ballots delivered by voters.

3.10 On election day the voting shall be carried out in the manner set forth by RCW 87.03.090, 87.03.095 and 87.03.100. The Secretary-Manager or his designee shall provide assistance to the Board of Election to the extent requested. Once voting begins neither the Secretary-Manager nor any other employee or Director of the District may enter the polling place except for the purpose of exercising a right to vote as a landowner. Questions or requests for assistance by the Board of Election are to be communicated to the Secretary-Manager or his designee by telephonic means or by conversation held outside the polling place.

3.11 The Secretary-Manager or his designee shall prepare additional instructions and reference materials regarding the management of ballots and conduct of elections for use by District staff and the Board of Election, said information being consistent with the appropriate provisions of Chapter 87.03 RCW and this Resolution.

3.12 The Board of Directors shall meet on the first Monday following the election date to canvass the election returns as set forth by RCW 87.03.105 and to report the result of the election and issue a certificate of election as set forth by RCW 87.03.110.

4.0 Terms of Directors

4.1 Terms for Directors begin on the first Tuesday in January following his or her election and are for a period of 3 years or until a successor is elected as set forth by RCW 87.03.080.

4.2 Directors commencing a new term shall take and subscribe an official oath of office at the first meeting of the Board of Directors following the beginning of their term as set forth by RCW 87.03.082.

4.3 The District provides a blanket bond for all Directors. The premium for said bond is at the expense of the District.

5.0 Filling Vacant Director Positions

Director positions that become vacant shall be filled by appointment by the Adams County Board of Commissioners and the appointee shall serve and stand for election all as set forth by RCW 87.03.081.

BE IT FURTHER RESOLVED that Resolution 2007-10, 2001-02 and 2000-05 is superseded by this Resolution.



DULY ADOPTED in Open Meeting this 3rd day of January, 2018.

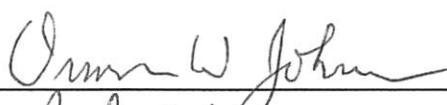



(Seal)

Attest:


Secretary

DISTRICT ELECTION INSTRUCTIONS

Note: These instructions are supplemental to Resolution 2019-16 (supersedes Resolution 2018-04, 2007-10, 2001-02 and 2000-05), Policy and Procedures for District Elections. In the event of discrepancies between these instructions and that Resolution, the Resolution shall control.

Qualifications to become a Director

1. Must be 18 years of age, a U.S. citizen and resident of the State of Washington.
2. Must hold title to or evidence of title to land within the District, in the Director Division he/she wishes to represent.
3. If a potential candidate does not live in the Director Division itself, and he/she owns land in more than on Director Division, he/she can represent the Director Division nearest his or her actual residence.

Petitions of Nomination

1. At every October board meeting the open filing period for a Director position is announced. A news release announcing the open filing period for a Director position is sent to local news outlets following the October board meeting.
2. Petitions will be provided by the District after the announcement of the filing period.
3. Must be returned before 4:30 p.m. on the first Monday in November.
4. Must be signed by at least 10 qualified electors in the Director division.
5. **If only one qualified petition of nomination is filed by the deadline, no election is necessary. The one qualified candidate shall be declared to be elected as Director at the next Board of Director's meeting. The Secretary shall immediately make and deliver a Certificate of Election.**
6. If two or more qualified candidates file petitions, they are to be kept together in a file labeled as "Election – Director Division __, (Year)".
7. The names of the candidates are to be printed on the ballot in chronological order in which their respective Petitions of Nomination were filed with the District. Ballots shall contain a space for writing in the name of an undeclared candidate.

Elections

1. Director Division elections are to be held on the second Tuesday of December. Special elections will be held as established by the Board of Directors.
2. Blank ballots shall be secured in a box secured by two locks. The keys shall be held by the Assistant Manager of Administration and Executive Secretary.
3. The District provides ballots. Votes cast on any other form will not be valid.

4. The ballot needs to include a space for write-in candidates.
5. There will be separate "Ballot Boxes" for election day ballots and absentee ballots. "Ballot Boxes" will have two locks securing each "Ballot Box". Keys for the "Election Day Ballot Box" will be held by the Assistant Manager of Administration and Executive Secretary. Keys for the "Absentee Ballot Box" will be held by the Board President and Executive Secretary.
6. The Board of Directors will designate the polling place. The polling place for a single Director Division election shall be held within that Division. If an election is to be held for more than one Director Division or a District-wide election, the principal business office may be designated by the Board of Directors as the polling place for all Director Divisions. The election officials appointed by the Board of Directors may serve more than one Director Division.
7. An Election Board, consisting of 1 inspector and 2 judges, should be appointed more than 15 days prior to the election. The members of the Election Board must be electors in the Director division for which the election is taking place, except when the Board of Directors has designated a single polling place for more than one Director Division (see RCW 87.03.085) or for a District-wide election.
8. Fifteen days prior to the election Notice of Election needs to be posted in 3 public places in each election precinct. This notice of election needs to list the time and place of the election. The notice also needs to be posted in the office of the Board (main office). The person who does the posting needs to sign an Affidavit of Posting to be filed in the election file. The Notice of Election is also to state that any qualified voter who certifies that he cannot conveniently be present at the proper election precinct on the day of the 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.
9. A news release is to be issued listing the names of the candidates or the ballot measure, date of the election, location of polling place(s), voting hours and instructions for absentee voting. The news release is to be issued to newspapers known to be in general circulation within the District area and may be issued to radio and television media known to be broadcasting within the District area.
10. On election day the polls are to be opened from 1:00 p.m. to 8:00 p.m. The American Flag is to be displayed outside the polling place.
11. The judges need to sign the oaths as judges in each of the poll books and tally books (inside front cover). The inspector will sign as witness. The inspector needs to sign the oath as Inspector of the Election in each of the poll books and tally books. One of the judges will sign as witness.
12. Voter qualifications are the same as director qualifications. (See RCW 87.03.045) More particularly:
 - Where land is community property both the husband and wife may vote if otherwise qualified.
 - A trustee for another party may vote, beneficiaries of a trust may not vote.
 - An executor, executrix or personal representative of an estate may not vote, the heirs of an estate may vote if they are otherwise qualified.

- Partners in ownership, or tenants in common, are each entitled to vote based on each partner's percentage of owned acreage.
- For corporations, an authorized agent may vote on behalf of the corporation (a written authorization must be presented to the election officers).
- A contract seller and purchaser may vote.
- A manager of an LLC (Limited Liability Company) may vote on behalf of the LLC.

13. Provide the inspector with the following:

- A list of qualified voters.
- All remaining unused ballots.
- An Inspector's Poll Book.
- A Voter's Signature Poll Book.
- Two (2) Tally Books.
- A large "Ballots Questioned" envelope.
- A larger "ELECTION RETURNS" envelope.

The inspector is to have charge of the list of eligible voters, one of the judges is to handle the "Voter's Signature Poll Book", the other judge will write the name of the elector in the "Inspector's Poll Book" and deliver ballots to qualified voters.

14. Before the polls are open, the judge, in the presence of those assembled at the polling place, shall open, exhibit, close and lock the ballot box (making sure it is empty). The ballot box shall remain locked until the polls are closed. The ballot box is not to be removed from the polling place or from the view of bystanders until all ballots are counted.
15. After the ballot box has been secured, voting can begin.
16. Once voting begins neither the Secretary-Manager nor any other employee or Director of the District may enter the polling place except in the purpose of exercising the right to vote as a landowner. Questions or requests for assistance by the Board of Election are to be communicated to the Secretary-Manager or his designee by telephonic means or by conversation held outside the polling place.
17. The Election Board is not to leave the premises during the conduct of the election.
18. Anyone desiring to vote shall give their name to the inspector who will then check the voter list to see if that person is a qualified elector. The inspector shall then repeat the elector's name, director division, and the number of votes (1 or 2) the elector is to receive, to the judges.

If the prospective voter is not named on the list of qualified voters, the inspector should inquire of the Secretary-Manager or his designee if the person desiring to vote is a qualified elector. The inspector is not to deny any person desiring to vote, the right to cast a ballot. If a vote is questioned, the questioned ballot shall be sealed in a separate envelope labelled, on the front and back, "Questioned Ballot". The name of the voter and the reasons why the voter believes they are a qualified elector are to be written on the outside of that "Questioned Ballot" envelope and placed in the ballot box.

19. Each qualified elector is entitled to one vote for the first ten acres or fraction thereof and one vote for anything over ten acres. If husband and wife jointly own over ten acres, both have

two votes; if they jointly own less than ten acres, both have one vote. In no case will an elector have more than 2 votes, including being the representative of an LLC.

20. The qualified voter is to sign the "Voter's Signature Poll Book". If the voter is allowed two (2) votes they are to sign twice.
21. The second judge then delivers the proper number of ballots to the elector and the judges are to record the ballot number in their respective poll books.
22. No more than one person shall be allowed inside the poll booth at a time, and should not be allowed to occupy a booth longer than necessary to prepare their ballot(s). At no time is a person allowed to occupy a booth longer than 5 minutes.
23. A new ballot will replace any ballot that has been accidentally damaged or spoiled by a voter when the damaged ballot is returned to the inspector.
24. If a qualified voter declares to the judges of election that they are unable to read, or that because of blindness or other physical disability is unable to mark their ballot (or if the judges of election observe such inability) they shall, upon request, receive the assistance of one or two election officers in the marking of the ballot. Such officer or officers shall certify on the outside of the ballot envelope, that the ballot was marked with their assistance. The election officer shall give no information regarding the assistance given. No elector may divulge to any person within the polling place the name of any candidate for whom they intend to vote or to ask, or receive assistance, of anyone within the polling place in the preparation of their ballot, except as stated previously.
25. The qualified voter shall mark their ballot, tear off the number, fold the ballot so as to hide all identifying marks and place the ballot in the ballot box. The voter shall hand the number(s) to the inspector. The inspector will then inform the judges that "Number(s) ___ has voted" and this information shall be noted in each of the poll books.
26. Absentee ballots are to be received at the main office until 8:00 p.m. Absentee ballots can only be received at the polling location in a "Return Envelope".
27. The poll shall be closed promptly at 8:00 p.m. and only those qualified voters inside the polling place at that time shall be allowed to vote.
28. As soon as the polls are closed, and prior to the counting of the ballots, the election board shall publicly destroy all unused ballots.
29. As soon as balloting is completed the inspector shall open the ballot box and begin counting the votes.
30. Any questioned ballots are to remain sealed in the envelopes and delivered to the Secretary-Manager or his designee in a large envelope marked "Ballots Questioned". District staff is to investigate the claim of each qualified voter and prepare a recommendation to accept or not accept each questioned ballot for the Board of Directors.
31. The ballots are to be taken out, one by one, by the inspector who will open them and read aloud the names of each person marked and the office for which every person is voted. Each judge shall write down in their "Tally Book" each office to be filled and the names of

each person voted for such office and shall keep the number of votes by tallies as they are read aloud by the inspector. The counting shall continue in public without adjournment until all votes have been counted, and in no case shall the ballot box be removed from the election room until the counting of ballots is completed.

32. As soon as all the votes are read off and counted, two certificates shall be completed, stating the number of votes each candidate has received. The number is to be written in figures and in word at full length. One of these certificates, attached to the "Inspector's Poll Book" and a "Tally Book" are to be retained by the inspector and preserved for at least six (6) months. The ballots are to be sealed in an envelope and kept together with the "Voter's Signature Poll Book" and a "Tally Book" and then sealed in a large envelope endorsed "ELECTION RETURNS". The "ELECTION RETURNS" envelope is then delivered with the "Ballots Questioned" envelope, the second certificate, and other election supplies to the Secretary of the East Columbia Basin Irrigation District or their representative.

Absentee Voting

1. Much of the voting will be done by absentee ballot. Voters must request in writing, prior to noon of the election date, an "Absentee Voter's Application".
2. Candidates may distribute Absentee Voter's Application forms to voters. Candidates may not distribute absentee ballots.
3. When the proper form has been submitted, send the appropriate number of ballots, ballot envelopes (one for each ballot), "Absentee Voting Instructions", "Qualifications to Vote" "Certificate of Qualifications", also an "Instrument of Authority" or "Spousal Voter Authorization", if applicable, and one "Return Envelope".
4. Make a record of the requests, the date the voting material is mailed, and the date it is received back. They must be postmarked no later than midnight on the date of the election and received by the Secretary within 5 days of the date of election.
5. As the absentee ballots come in, make sure the voter is a qualified elector and the "Certificate of Qualifications" has been signed by both the voter and a witness. Do not open the ballot envelope. This will be done at the Canvass Meeting.
6. Questioned ballots are to be marked with a "Questioned Ballot" label, on the front and back, of the Ballot Envelope. An identifying number is to be written on the "Questioned Ballot" label. The identifying number and why the ballot is being questioned is to be kept on a separate list.
7. At noon of Election Day all unused ballots shall be given to the Election Board. Absentee ballots will no longer be given out after noon of Election Day.

Canvass Meeting

1. Five days following the election, a Canvass Meeting is to be scheduled, to tally the absentee ballots. If that day falls on a weekend or holiday the Canvass Meeting will be held the following day.
2. The absentee ballots are to be counted in the same manner as the regular ballots.

3. The Board of Directors is to review the findings and recommendations of District staff for all questioned ballots and decide the validity of the qualifications of the voter casting each questioned ballot. Any questioned ballot that is declared to be a valid ballot is to be counted with the absentee ballots. Question ballots are typically as follows:
 - Missing "Certificate of Qualifications" or "Instrument of Authority".
 - No witness signature on "Certificate of Qualifications" or "Instrument of Authority".
 - Land is located outside of East District boundaries.
 - Votes in another Director Division, for Director elections.
 - Not a legal resident of Washington State.

Please note that ballots with ballot number still attached is not considered a "Questioned Ballot".

4. A "Certificate of Election Results" of the regular and absentee ballots is to be prepared.
5. Place the absentee ballots in an envelope. Seal and mark the envelope "ABSENTEE BALLOTS" and place with the regular election materials returned by the election board.
6. The Secretary of the Board of Directors must, as soon as the result is declared, enter in the records of the Board a "Certificate of Election Results", which must show:
 - The whole number of votes cast in the District.
 - The name of the candidate voted for or the proposition voted for.
 - The office to fill which each person was voted for or the proposition that was being voted on.
 - The number of votes given in each division to each candidate and/or the number of votes given in each division for and against any proposition voted upon.

The Board of Directors must declare elected the candidate or proposition having the highest number of votes given for each office. The Secretary must immediately make and deliver to such person a Certificate of Election signed by him and authenticated by the seal of the District.