

RESOLUTION 2010 - 020

RESOLUTION OF THE MOSES LAKE IRRIGATION AND REHABILITATION DISTRICT

POLICIES AND PROCEDURES FOR ELECTION OF DIRECTORS

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

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

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Moses Lake Irrigation and Rehabilitation District that the District's policy and procedures for the conduct of Director Elections are stated as follows:

1. Filing Period

- A. Filing periods, elections and terms of office for the District's three Director Positions shall rotate every three years.
- B. The "Notice of Election" shall be posted in three public places within the Moses Lake Irrigation and Rehabilitation District Boundaries 15 days prior to the election.
- C. The Notice of Election shall state the election date, the director term, the polling place, address, and open times of the polling place, as well as terms of the absentee ballot process. The Notice of Election shall be signed by the Secretary to the Board of Directors and bear MLIRD's official seal.
- D. The filing period will close at 5:00 p.m. on the first Monday in November.
- E. To qualify as a candidate for Director, an individual must file a Petition of Nomination for Election for Director of the Moses Lake Irrigation and Rehabilitation District signed by at least 10 qualified voters in the District and also be a qualified voter within the District. To qualify as a voter an individual must:
 1. Be 18 years of age or older
 2. Be a U.S. citizen
 3. Be a resident of the State of Washington.
 4. Hold title or evidence of title to assessable land in the District. Ownership of title and evidence of title includes contract sellers

and purchasers of land, land held as community property with a spouse and land held in partnership (including limited liability companies) 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.

- F. Petition of Nomination for Election for Director of the Moses Lake Irrigation and Rehabilitation District forms will only be available at the District office located at 932 E. Wheeler Rd., Moses Lake WA, and only after the opening of the filing period.

Upon receipt of a Petition of Nomination of Election for Director of the Moses Lake Irrigation and Rehabilitation District, the Administrative Assistant, General Manager, or designee, will verify that the candidate is a qualified voter within the District and will verify that the Petition includes the valid signatures of at least 10 qualified voters in the District. If discrepancies or deficiencies in the Petition of Nomination for Election for Director of the Moses Lake Irrigation and Rehabilitation District are noted the candidate shall be notified immediately. Corrections and/or additional signature(s) to remedy the discrepancy or deficiency may be made provided the filing period has not ended.

2. When An Election Is Not Required

- A. When only one valid Petition of Nomination for Election for Director of the Moses Lake Irrigation and Rehabilitation District is filed prior to the close of the filing period an election is not required.
- B. 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.
- C. 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. Conducting Director Elections

- A. When two or more valid Petition for Nomination for Election for Director of the Moses Lake and Irrigation District is filed prior to the close of the filing period an election will be held on the second Tuesday of December.

- B. The Board of Directors shall appoint a Board of Election and designate a polling place as set forth in RCW 87.03.085. Individuals serving on the Board of Election shall be paid by the District.

- C. The Administrative Assistant, Manager or 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, location of the polling place and instructions for absentee voting. The news release will be issued to newspaper(s) known to be in general circulation within the District area and may be issued to radio and television media known to be broadcasting with the District area. Paid advertisements and legal notice advertisements are not required.

- D. The Administrative Assistant, Manager, or 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 for Election for Director of the Moses Lake Irrigation and Rehabilitation District was filed with the District. Ballots shall contain a space for the writing in of the name of an undeclared candidate.

- E. 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 the form provided by the District. Fax requests are permissible only if they are on forms provided by the District. Email requests are not permissible.

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

- G. 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 Administrative Assistant, Manager or designee shall provide assistance to the Board of Election to the extent requested.

- H. The Administrative Assistant, Manager or 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.

- I. 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. Qualifications of Voters and Directors

- A. MLIRD's boundaries encompass less than two hundred thousand acres consisting of parcels of land and more than fifty percent of the total acreage of the district is owned in individual ownerships of less than five acres.
- B. 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 shall be entitled to vote therein, and be recognized as an elector.
- C. 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. 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.
- D. Voting rights shall be allocated as follows: Two votes for each parcel of assessable land. The ballots cast for each parcel of land shall be exercised by common agreement between electors or when land is held as community property ownership. If the parcel is held as community property, the husband shall be entitled to one vote and the wife shall be entitled to one vote unless husband and wife vote by common agreement. 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.

5. Terms of Directors

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

- B. 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.
- C. Directors commencing a new term shall execute a public official's bond to the District in the sum of \$1,000 conditioned for the faithful discharge of the Director's duties which shall be approved by the judge of the Grant County Superior Court. The premium for said bond shall be paid at the expense of the District.
- D. The oath and bond subscribed and executed by a new Director shall be recorded in the office of the Grant County Clerk and filed with the District Manager.

6. Filling Vacant Director Positions

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

DULY ADOPTED in open meeting this 12th day of October, 2010.

Absent
Glen Rathbone, Chairman

[Signature]
Norm Benson, Director

[Signature]
Rich Archer, Director

(Seal)

Attest:

[Signature]
Secretary to the Board of Directors