

RESOLUTION 2-2020

**RESOLUTION OF THE ROZA IRRIGATION DISTRICT RE:
POLICIES AND PROCEDURES FOR ELECTION OF DIRECTORS**

WHEREAS, RCW Chapter 87.03 sets forth the qualifications of electors (voters) and directors and the requirements for the conduct of Elections of Directors for the Board of Directors of the Roza Irrigation District (RID);

WHEREAS, RCW Chapter 87.04 also also applies and governs the District’s election because the District has previously created five (5) Director Districts pursuant to that Chapter;

WHEREAS, the Board of Directors has carefully reviewed the applicable statutes in RCW Chapters 87.03 and 87.04 and has determined that they are unclear and ambiguous in some respects, and has determined that its interpretations of the statutes should be set forth in this Resolution which can be reviewed by all District electors prior to the 2020 and elections;

WHEREAS, the Board of Directors has determined that the following policies and procedures best meet the requirements of RCW Chapters 87.03. and 87.04 while ensuring that RID elections are to the extent reasonably and practicable possible fair and that electors’ voting rights are protected and not diluted by unqualified or duplicate votes;

NOW, THEREFORE IT IS HEREBY RESOLVED by the Board of Directors of the Roza Irrigation District that the District's prior practices, policies and procedures for the conduct of Election of Directors (if any) are hereby repealed and superceded by the following:

1. Board Positions and Terms

A. The Board has five positions, one for each director division of the District.

B. The District Positions and Divisions are defined as follows:

1. Division 1: Those lands lying west of Roza Drive
2. Division 2: Those lands lying east of Roza Drive and west of Fordyce Road
3. Division 3: Those lands lying east of Fordyce Road and west of County Line Road
4. Division 4: Those lands lying east of County Line Road and west of Crosby Road
5. Division 5: Those lands lying east of Crosby Road

C. The Board shall maintain positions with three year terms such that no more than two positions shall be up for election unless a vacancy has been filled. If a vacancy has been filled the term of the new director shall not exceed the term of the Director being replaced (see Section 1.D below).

D. The next terms for the Board Divisions/Positions start as follows:

1. Division 1: Three year terms beginning January 2022
2. Division 2: Three year terms beginning January 2021
3. Division 3: Three year terms beginning January 2023
4. Division 4: Three year terms beginning January 2021
5. Division 5: Three year terms beginning January 2022

E. Terms After Vacancy Has Been Filled. After a vacancy has been filled, the board position is subject to election as follows:

1. When a vacancy was filled during the term of the prior director holding the position, the position shall be filled by election at the next annual election occurring thirty days or more after the date of the appointment, and the successor elected shall take office on the first Tuesday in January following the election and shall serve for the remainder of the unexpired term.
2. When a vacancy was filled after the expiration of the term of the prior director holding the position, the position shall be filled by election at the next election of directors occurring thirty days or more after the appointment, and the director elected shall serve the remainder of the three year term of the position that became vacant so as to maintain staggered elections as set forth above.

2. Filling Vacant Director Positions.

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

3. Petitions of Nomination; Filing Deadline

- A. Notice of Board Positions Opening: Roza Irrigation District (“RID”) staff shall maintain on the main page of its website a notice of the board position(s) for which the term will be expiring and therefore will be up for election each year, and advising potential candidates of the availability of and the deadline for filing Petitions of Nomination to seek election for the position(s). On or before July 1 of each year, RID staff shall issue a press release and post notices in at least three (3) public places of the board position(s) up for election in that year and advising the public of the availability of and deadline for filing Petitions of Nomination.
- B. Filing Deadline: The filing period for Petitions of Nomination for election to the Board of Directors will close at 5:00 p.m. on the first Monday in November.
- C. Petition of Nomination Required. To qualify as a candidate for Director, an individual must file a Petition of Nomination for Election for Director of the Roza Irrigation District signed by at least ten qualified electors (voters) in the District and also resident in the director divisions for which the person wants to run. To qualify as an elector (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.

“Holding title” includes title held individually, as community property, and jointly with other persons.

“Evidence of title” includes real estate contract purchasers of the land, real estate contract vendors (sellers) of the land, guardians, executors or administrators of estates who are appointed as such under the laws of this state and who as such guardian, executor or administrator is entitled to the possession of the lands belonging to the estate which he or she represents, the heirs or devisees of a deceased holder of title to the land, a tenant in common in the land, a joint tenant in the land, a trustee who holds title to land in an irrigation district for the benefit of another person, the authorized

representative of a corporation, general partnership, limited partnership, limited liability company, or other legal entity formed pursuant to the laws of the State of Washington, and the authorized representative of a corporation, general partnership, limited partnership, limited liability company, or other legal entity formed outside of the State of Washington but qualified to do business in the state of Washington.

D. Forms at District Office. Petition of Nomination for Election for Director of the Roza Irrigation District forms will only be available at the District office located at 125 S. 13th Street, Sunnyside, WA 98944. The petition shall state which Board Position the nominee is seeking.

E. Verification of Petition of Nomination; Notice of Defective Petitions.

Upon receipt of a Petition of Nomination of Election for Director of the Roza Irrigation District, the Secretary/Manager or his/her designee will verify that the candidate is a qualified elector of the District and of the Division in which candidacy is sought, and will verify that the Petition includes the valid signatures of at least 10 qualified electors (voters) in the District and of the Division for which candidacy is sought. If staff determines that there is a defect or defects in the Petition of Nomination such that the candidate would not qualify for election (such as signatures by non-electors, illegible signatures, signatures that cannot be verified to belong to electors, or other defects), the candidate shall be notified as soon as reasonably practicable of the defect. Corrections and/or additional signatures to remedy the defect(s) may be made provided they are received by the District prior to the close of the filing period. Accordingly, candidates are encouraged to submit their Petitions of Nomination as early as possible for verification and to obtain more than the minimum number of signatures.

4. Election Is Not Required If Only One Qualified Candidate

- A. An election is not required when only one valid Petition of Nomination for Election for Director of the Roza Irrigation District is filed for a director division/position prior to the close of the filing period. RCW 87.03.075.
- 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.

5. Conducting Director Elections

A. Time of Election; Precincts; Polling Places. An election will be held on the second Tuesday of December when two or more valid Petitions for Nomination for Election for Director of the Roza and Irrigation District are filed for the same director position/division prior to the close of the filing period. Each director division shall be a precinct and the RID Secretary/Manager shall select one polling place in or for each precinct and report the need for an election and recommended appointments for the Board(s) of Election and polling places to the Board of Directors.

B. Written Order Appointing Boards of Election and Designating Polling

Places. “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 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 place of an absent member thereof.” RCW 87.03.085. Individuals serving on the Board of Election shall be paid by the District. The Board shall appoint the Boards of Election by written order, and that written order shall include the designation of a polling place for each Division/Precinct.

- C. Notice of Election. The 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. A "Notice of Election" substantially in the form attached hereto shall be posted at the District Office, in at least three public places within each Director Division at least 15 days prior to the election. See RCW 87.03.085. The Notice of Election shall state the election date, the director division/position, the term, the address of the polling place in each precinct, the opening and closing times of the polling places, and notify electors that there is an absentee ballot process. The Notice of Election shall be signed by the Secretary to the Board of Directors and bear RID 's official seal, location of the polling place and instructions for absentee voting. The news release may 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 with the District area. Paid advertisements and paid legal notice advertisements are not required.
- D. Ballots. The Manager or designee shall procure and manage ballots in compliance with 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 Roza Irrigation District was filed with the District. Ballots shall contain a space for sticker voting or for the writing in of the name of an undeclared candidate. Provisional Ballots: A provisional ballot (or ballots) and a secrecy envelope shall be provided to a person who arrives to vote who is required to vote by common agreement may but who has no properly executed common agreement. Provisional Ballots shall be clearly identified as such by being of a different color paper and containing the printed words “Provisional Ballot.” Said ballot will be voted in secret by the elector and sealed in a “Provisional Ballot Secrecy Envelope” sealed by the voter and signed by the voter by which the voter acknowledges that the ballot is provisional and will be counted in the election only if the elector delivers to the District Office an executed common agreement prior to the time that canvassing of the votes begins on the following Monday at 7:00 p.m. At the canvassing, the Election Board shall not count a provisional ballot unless the Election Board determines that an appropriate common agreement has been submitted by elector who voted the provisional ballot.
- E. Absentee Voting and Ballots. 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 substantially in the form of Absentee Ballot Request provided by the District. Fax requests may be accepted only if they are substantially in the form of Absentee Ballot Request provided by the District. Email requests are not permissible. Candidates may distribute Absentee Voter's Application forms to voters. Candidates shall not distribute absentee ballots.
- F. Voting. 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 and/or his/her designee shall provide assistance to the Boards of Election to the extent requested.

- G. Additional Instructions and Materials Authorized. The Secretary Manager or designee may 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.
- H. Canvassing the Election. The Board of Directors shall meet at 1:00 p.m 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.

6. Qualifications of Voters and Directors; Voting Rights

- A. Governing Statutes. RID electors and voting rights are governed by RCW 87.03.051 because RID has less than 200,000 acres and less than fifty percent of the ownerships in the district are of less than five acres. Further, RCW 87.04.010 applies to determine the division in which persons and entities are electors when they own land in more than one director division.
- B. General Qualifications of Natural Persons. 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 in the division in which the person holds land. See RCW 87.03.051. An elector holding title to or evidence of title to land in more than one division shall be considered an elector of the division nearest his or her place of residence. RCW 87.04.010. A person may be an elector in only one division. All of the person's votes shall be counted in that one division.
- C. Corporations and Other Legal Entities. A corporation, general partnership, limited partnership, limited liability company, or other legal entity formed pursuant to the laws of the State of Washington or that is qualified to do business in the State of Washington that owns land in the District shall be recognized as an elector. RCW 87.03.051.
1. If the legal entity holds title to or has evidence of title to land in more than one director division, the entity is recognized as an elector only in the director division in which it has residence (in which it resides). All votes of the entity shall be cast in that director division. See RCW 87.04.010.
 2. An entity's "residence" shall be determined as follows:
 - a. An entity's residence generally is its principle place of business. An entities principle place of business shall be determined by looking at the location from where the activities of the corporation are controlled and directed, where the entities owners, members or officers direct, control, and coordinate the corporation's activities." See *Hertz Corp. v. Friend*, 559 U.S. 77 (2010)(The principle place of business "should normally be the place where the corporation maintains its headquarters— provided that the headquarters is the actual center of direction, control, and coordination, i.e., the 'nerve center.'").
 - b. If the entity's principle place of business is outside of the irrigation district boundaries, the entity's "residence" for

irrigation district election purposes shall be the primary place of business activities inside the district boundaries. A “primary place of business activity” is the place where the entity does most of its business activities, which would generally be the office (whether in home or out of home), equipment storage and maintenance, and holding land or active farming operations.

- c. If the entity’s principle place of business is outside of the irrigation district’s boundaries, the entity’s residence for irrigation district election purposes is the director division holds the most acres of assessable land.

D. Voting rights allocation and voting. Voting rights are governed by RCW 87.03.051 which reads in relevant part as follows:

“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 who holds 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. “Ownership” shall mean the aggregate of all assessable acres owned by an elector, individually or jointly, within one district. 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. . . . The ballots cast for each ownership of land . . . shall be exercised by common agreement between electors or 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. . . .”

The RID Board of Directors interprets this statute as follows:

1. A person “holds title” to land if they hold title in their name. RID will determine who holds title in their name by using the name are identified as the parcel owner in the property records of the county in which the land is located (the “County Records”).
2. The following persons have “evidence of title” as used in the statute and thereby qualify as an “elector” or voter:

A real estate contract vendee (purchaser) of the land

A real estate contract vendor (seller) of the land

A guardian, an executor or administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor or administrator, is entitled to the possession of the lands belonging to the estate which he or she represents

The heirs or devisees of a deceased holder of title to the land

A tenant in common in the land (NOT tenants in a landlord-tenant lease – only the landlord holds title and is an elector)

A joint tenant in the land (NOT tenants in a landlord-tenant lease – only the landlord holds title and is an elector)

A trustee who holds title to land in an irrigation district for the benefit of another person

The authorized representative of a corporation, general partnership, limited partnership, limited liability company, or other legal entity formed pursuant to the laws of the State of Washington.

The authorized representative of a corporation, general partnership, limited partnership, limited liability company, or other legal entity formed outside of the State of Washington but qualified to do business in the state of Washington.

There may be more than one qualified elector for an ownership. See Wash. AGO 1961-62 NO. 157 (1962)(holding “. . . more than one person may be entitled to vote on the basis of interest in the same parcel of land” in context of real estate contracts.) Lands with more than one elector are required to submit a common agreement by which one person votes on behalf of the land. RCW 87.03.051.

3. Voting Rights: Each five acres of assessable land or fraction thereof held in the elector’s ownership shall have two votes, provided that no ownership may have more than forty-nine percent of the votes in the District.

4. Determination of “Ownership” Owners and Acreages. “Ownership” is defined by statute to mean “the aggregate of all assessable acres owned by an elector, individually or jointly, within the District.” RCW 87.03.051. The Board interprets this as follows.

i. Interpretation of “Jointly.” “Jointly” as used here in RCW 87.03.051 is interpreted by the Board of Directors to mean in joint ownership which in turn means an undivided ownership shared by two or more persons other than a partnership or community property. See OWNERSHIP, Black’s Law Dictionary (11th ed. 2019). “Jointly” and “joint ownership” is interpreted by the Board of Directors to exclude partnerships because RCW 87.03.051 explicitly identifies “general partnerships” as a type of “legal entity” which may itself be an elector and which must vote by common agreement of the interested parties. “Jointly and “joint ownership” is interpreted by the Board to exclude community property because the statute has specific provisions for community property ownership.

ii. Ownerships Determined Based on County Records. The Election Boards and RID staff shall determine the acreage of each “ownership” based on the names of owners and the acreages stated in the County tax records, County geographic information services (GIS) records, and other records of the County in which the land is located (“County Records”). The Board of Directors, while mindful of the that County records may not be perfectly accurate, has determined that County Records are the most credible evidence of ownership names and acreages that is reasonably and practicably available. The Board of Directors so determines because it would be overwhelmingly burdensome for the RID to perform its own

independent title ownership and acreage research for all of the approximately _____ parcels within the RID boundaries. Given the extraordinary expense and burden of obtaining a title search for all parcels in the District boundaries, and the low risk of erroneous evidence, the Board of Directors concludes that use of County Records data is fair and appropriate for this purpose.

- iii. Boards of Elections and/or Staff Authorized to Consider Other Information and Aggregate Ownerships. If County Records show that parcels are owned by persons with similar names, or if other information suggests that different parcels are owned by the same person, the Board of Directors hereby authorizes the Election Board and/or RID staff to in their discretion consider and review other available information, online and offline, determine the credibility of that information, and to determine whether the parcels are in fact owned by the same person(s) or entity. If the Election Board of the director division and/or RID staff concludes that the preponderance of credible evidence shows that parcels are owned by the same person despite the usage of different names in the County records, the Election Board and/or RID staff shall aggregate the parcels so held into a single “ownership” for the purpose of determining the acres held by that “ownership” and the number of votes for that “ownership.” This aggregation is fair, reasonable, and necessary to prevent an owner from increasing his/her number of votes and diluting the votes of other electors by holding parcels in different names
- iv. The District Board of Directors hereby *strongly encourages landowners within the District to review the County Records, to take whatever steps appropriate with the County to correct the County Records if in error as soon as possible and prior to the election,* and to notify District staff if the County Records use different names for the same landowner for different parcels. The Election Board and/or District Staff may request that the landowner provide evidence, sworn or affirmed under penalty of perjury, to support the landowners’ claim(s).

5. Common Agreements Generally Required By Legal Entities, Joint Owners, and Joint Electors; Community Property Exception.

- a. RCW 87.03.051 requires that all ballots be exercised by common agreement between the electors: “The ballots cast for each ownership of land . . . shall be exercised by common agreement between electors or when land is held as community property, the accumulated votes may be divided equally between husband and wife.” The RID Board interprets this as follows.
- b. Ownerships by Single Natural Persons – No Agreement Required. When there a single natural person holds title to the land, no common agreement is needed because there are not “electors,” plural and it would be absurd to require an agreement by a single person.
- c. Common Agreements Required by All Other “Ownerships.” Therefore, RCW 87.03.051 requires common agreements to vote whenever more than one elector exists for an ownership, including joint ownerships as defined above, community property, and ownerships by legal entities. Electors who intend

to vote in person should submit their Common Agreement at least 24 hours prior to the opening of the polls. See RCW 87.03.051. Electors who are voting by Absentee Ballot shall include a executed Common Agreement in mailing envelope (outside of envelope #1 that contains the ballot).

- d. Legal Entities and Joint Ownerships; Form Provided. For legal entities or joint ownerships, an elector must submit a common agreement substantially in the form of the “Common Agreement to Vote for Legal Entity or Joint Ownership” form attached hereto.
- e. 24 Hour Rule For Filing of Common Agreement; Consequences of Violation; Common Agreement Still Required. RCW 87.03.051 provides in part:

“In the absence of the submission of a 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 qualified elector to appear on election day as the elector having the authority to cast the ballots for the ownership of a parcel or of parcels of land for which there is more than one ownership interest.”

The Board finds this language ambiguous because it does not define “qualified elector” and would render the requirement of a common agreement meaningless and illusory if interpreted to excuse the provision of a common agreement by simply failing to provide a common agreement. The Board therefore interprets this provision not to excuse the requirement of a common agreement to vote jointly held or entity-held properties, but instead to protect the irrigation district and allow the efficient administration of the election. Therefore, the Board determines that a person attempting to vote on behalf of a legal entity or joint ownership who has not provided a common agreement more than 24 hours in advance of the polls opening is not an elector qualified to vote the ballots unless they provide an executed “Common Agreement To Vote Ballots For Legal Entity or Joint Ownership” substantially in the form attached hereto.

6. Community Property; Spouses Must Provide Common Agreement to Vote.

The statute provides no exception to the common agreement requirement for community property (property owned by a marital community rather than by an individual as his or her separate property).

- a. Common Agreement Required To Vote For Community Property. When an ownership is held as community property, the marital community shall submit an executed “Common Agreement to Vote Ballots for Marital Community” substantially in the form attached hereto executed by both spouses at the time the spouse appears to vote or shall enclose an executed form with their absentee ballot(s).
- b. Alternative: Marital Community May Split Votes. Alternatively, the accumulated votes of the marital community may be divided equally between husband and wife by submission of an “Common Agreement to Equally Divide Community Property Ballots” substantially in the

form attached hereto at the time the spouse appears to vote or shall enclose an executed form with their absentee ballot(s).

- c. Interpretation re Community Property. The District Board interprets the statute authorizing the marital community to split votes to be permissive due to the use of the word “may.” The Board therefore reads the statute to generally entitle one spouse to vote all of the votes for their ownership but also to require that a common agreement must be submitted to do so. The District Board interprets RCW 87.03.051 as not authorizing the district to apply the “first elector to appear” rule in the case of community property because of the “Except for community property ownership . . .” language preceding the “first elector to appear” rule. Given that qualifier, the statute therefore requires martial communities to submit a common agreement by the spouses to vote the ballots on behalf of the community property ownership, or, alternatively, an agreement that they will split the votes equally.

7. Absentee Ballots: Absentee Ballots shall not be counted unless they are delivered to the District with a “Certificate of Qualification” substantially in the form attached hereto and any required Common Agreement authorizing the Elector to vot the ballot. The District staff shall note the date and time each absentee ballot is received. If two or more absentee ballot(s) are received for the same ownership, the Board will count the ballot received first in time so long as the first received ballots were submitted with a “Certificate of Qualification” that is complete and demonstrates the right to vote on behalf of the ownership. If two or more absentee ballot(s) are received at the same time (i.e. in the mail on the same day) for an ownership that is not required to submit authorization to vote on behalf of a “joint ownership” as defined above in Section 5.D.4.i above), the Board shall select the elector whose ballots shall be counted by chance such as by a blind drawing of one of the ballots out of a hat or bag. If two or more absentee ballot(s) are received at the same time (i.e. in the mail on the same day) for an ownership held by a corporate or other legal entity for which written authorization to vote is required, and both or all appear to include a “Certificate of Qualification” that is complete and includes a written authorization to vote on behalf of the entity, the Board shall: (1) Count the ballot(s) submitted by the person having the latest dated written authorization to vote; or (2) If it is impossible to determine when the authorization to vote was issued, the Board shall select the representative whose ballots shall be counted by chance as discussed above in this section.

7. Elected Directors

- A. Directors commencing a new term shall take and subscribe an official Oath of Office as the first action at the first meeting of the Board of Directors following the beginning of their term as set forth by RCW 87.03.082.
- B. 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 County Superior Court. The premium for said bond shall be paid at the expense of the District.
- C. The oath and bond subscribed and executed by a new Director shall be

recorded in the office of the County Clerk and filed with the District Manager.

Adopted in a properly noticed special public meeting by a majority of the RID Board of Directors on November 17, 2020.

s/ Ric Valicoff, President
s/ Jim Willard, Vice President
s/ Will Jones, Director
s/ Jason Don, Director
s/ Jason Sheehan, Director
s/ Scott Revell, District Manager,
Secretary of the Board and Treasurer

NOTICE OF ELECTION FORM

ROZA IRRIGATION DISTRICT ELECTION

NOTICE OF ELECTION FOR DIRECTOR POSITION

IMPORTANT!

**NEW ELECTION PROCEDURE ADOPTED
YOUR VOTING RIGHTS
ARE BASED ON ACRES IN OWNERSHIPS**

RID ELECTORS SHOULD READ RID RESOLUTION 2020-00?

RESOLUTION 2-2020 EXPLAINS THE RULES.
COPIES ARE AVAILABE AT THE RID OFFICE, 125 S. 13th Street
Sunnyside, WA 98944

OR ONLINE AT www.RID.org/elections.html

RID BASES VOTING RIGHTS ON OWNERSHIP NAMES AND
ACREAGES STATED IN THE COUNTY RECORDS.

**RID ELECTORS SHOULD CONFIRM THAT THEIR NAME(S)
AND ACREAGE(S) ARE ACCURATELY REFLECTED IN THE
COUNTY RECORDS**

Notice is hereby given that the annual RID election will be held on **December 8, 2020** for the position of Director for Division __. One [or two?] director position(s) is up for election this year and will serve a term of three (3) years commencing January 5, 2021 as RID Board Director.

The Board of Directors has declared the Division __ as one precinct for this election and the polling place for this election precinct shall be at _____ **[insert address]**

Notice is further given that the polls of said election will open at **1:00 p.m.** on said date and close at **8:00 p.m.** on said date.

Any qualified district elector who certifies that he/she cannot conveniently be present at his proper election precinct on the day of election may vote by absentee ballot, and that a ballot and form of certificate of qualification and forms for voting community property ownerships will be furnished to him/her upon submission of a request that is substantially in the form of "RID's Qualified Elector Written Request Form" (available at the District office or at www.RID.org/elections.html) to the District at P.O. Box 98, Roza, WA, 98837, prior to the date of the election. (RCW 87.03.032)

Completed Absentee Ballots **MUST** be delivered to the RID office at 125 S. 13th Street, Sunnyside, WA 98944 before 8:00 p.m. on Election Day, or if sent by mail to **MUST** be post marked no later than midnight on Election Day and **MUST** be received by the District Secretary no later than 12:00 p.m. (noon) the first Monday following the election. More information on this election is available at www.RID.org/elections.html

By order of the Board of Directors of the RID (Roza Irrigation District.

Signature of Secretary
to the Board of Directors

Date Posted: _____, _____

RID's official Seal

COMMON AGREEMENT
TO
VOTE FOR LEGAL ENTITY OR JOINT OWNERSHIP

**ROZA IRRIGATION DISTRICT
COMMON AGREEMENT TO VOTE BALLOTS
For
LEGAL ENTITY or JOINT OWNERSHIPS***

The legal entity/joint ownership of

(Print full registered name of legal entity or the names of the joint owners)

hereby submits this common agreement that

(Print name of person authorized to vote on behalf of entity/joint ownership)

is authorized to vote the ballots for the said legal entity/joint ownership which owns the following property or properties within the District:

(Provide legal descriptions of all properties owned by the community – add pages if necessary)

The undersigned hereby declare, attest, and swear or affirm under penalty of perjury of the Laws of the State of Washington that: (1) The above described legal entity/joint ownership holds title to or evidence of title to the properties listed above; (2) The person identified above has authority to vote the ballots on behalf of the ownership and has been legally authorized by the legal entity/joint ownership in compliance with all applicable laws and governing documents of the legal entity/joint ownerships; and (3) that they understand that it is a felony under the laws of the State of Washington to knowingly misrepresent your qualifications to vote or to vote a ballot which one is not legally entitled to vote. See RCW 29A.84.130 and 29A.84.660

Registered Name(s) of Legal Entity/Joint Ownership: _____

By: _____

Print Name: _____

Its : _____

(Position of Person signing on behalf of legal entity/joint ownership)

Date and Time Executed: _____ AM/PM

*"Legal 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. See RCW 87.03.051. "Joint Ownership" means an undivided ownership shared by two or more persons other than a partnership. See RID Resolution 2020-002.

COMMON AGREEMENT
TO
VOTE FOR MARITAL COMMUNITY

ROZA IRRIGATION DISTRICT

COMMON AGREEMENT TO VOTE BALLOTS For MARITAL COMMUNITY

The marital community of _____
(Print both spouse's names)

hereby submits this common agreement that _____
(Print voting spouse's name)

is authorized to vote the ballots for the community property ownership of the following property or properties:

(Provide legal descriptions of all properties owned by the community – add pages if necessary)

The undersigned hereby certify and swear or affirm under penalty of perjury of the Laws of the State of Washington: (1) That title to the above described properties within the District is held by our marital community; (2) That our marital community has a common agreement authorizing the person identified above to vote the ballots on behalf of the ownership; and (3) that he/she/they understand that it is a felony under the laws of the State of Washington to knowingly misrepresent your qualifications to vote or to vote a ballot which one is not legally entitled to vote. See RCW 29A.84.130 and 29A.84.660.

Spouse: _____
Date _____
Print Name: _____

Spouse: _____
Date _____
Print Name: _____

COMMON AGREEMENT TO EQUALLY DIVIDE BALLOTS
OF
MARITAL COMMUNITY

ROZA IRRIGATION DISTRICT

COMMON AGREEMENT TO EQUALLY DIVIDE BALLOTS OF MARITAL COMMUNITY

The marital community of _____

(Print both spouse's names)

hereby submits this agreement to divide the ballots equally between them that the marital community is authorized to vote for the community property ownership of the following property or properties:

(Provide legal descriptions of all properties owned by the community – add pages if necessary)

The undersigned hereby certify and swear or affirm under penalty of perjury of the Laws of the State of Washington that title to the above described properties is held by our marital community, and further represent and acknowledge that this agreement to equally divide ballots is entered into knowingly, voluntarily and without duress.

Spouse Signature: _____

Date: _____

Print Name: _____

Spouse Signature: _____

Date: _____

Print Name: _____

CERTIFICATE OF QUALIFICATION
(TO VOTE
ABSENTEE BALLOTS)

RID
“CERTIFICATE OF QUALIFICATION”
TO VOTE BY ABSENTEE BALLOT

STATE OF WASHINGTON
County of _____

The following statements are made for the purpose of establishing my eligibility to vote in the Election in the RID (Roza Irrigation District) to be held on December __, 20__.

1. My name is _____(Printed Name)
2. I am 18 or more years of age, a U.S. Citizen, and a legal resident of the State of Washington, residing at _____, Washington.
3. I hold title or evidence of title to the following described assessable land in said District:

(Include legal descriptions of all parcels in which you hold title or evidence of title. Your voting rights depend on your “ownership” which is defined by RCW 87.03.051 as the aggregate of all assessable acres owned by an elector, individually or jointly, within the district. Attach additional pages if necessary)

4. I qualify as an elector of the RID because (check appropriate box or boxes):
 - I hold title to the land individually or as part of a marital community
 - I hold evidence of title to the land as:
 - A real estate contract vendee (purchaser) of the land
 - A real estate contract vendor (seller) of the land
 - A guardian, an executor or administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor or administrator, is entitled to the possession of the lands belonging to the estate which he or she represents
 - The heirs or devisees of a deceased holder of title to the land
 - A tenant in common in the land
 - A joint tenant in the land
 - A trustee who holds title to land in an irrigation district for the benefit of another person
 - The authorized representative of a corporation, general partnership, limited partnership, limited liability company, or other legal entity formed pursuant to the laws of the State of Washington. The name of the entity is:

(Attach written authorization to vote on behalf of entity)

- The authorized representative of a corporation, general partnership,

limited partnership, limited liability company, or other legal entity formed outside of the State of Washington but qualified to do business in the state of Washington. The name of the entity is:

(Attach written authorization to vote on behalf of the entity)

5. I cannot conveniently be present to cast my ballot at the proper election precinct on Election Day. Therefore, I am requesting to cast my vote by absentee ballot pursuant to RCW 87.03.032.
6. I certify and swear under penalty of perjury under the laws of the State of Washington that the above statements are correct by the affixing of my signature hereto.

Date: _____
Signature of Elector

WITNESS CERTIFICATION

I certify that I am acquainted with the above-named elector of the Roza Irrigation District and in my presence the voter's signature was affixed to this Certificate and the ballot inserted and sealed by him/her in an unmarked envelope without disclosing his/her vote.

WITNESS SIGN HERE: _____
Signature of Witness

Print Name of Witness

OFFICIAL DOCUMENT - DO NOT DUPLICATE