



Concise Explanatory Statement

Summary of Rulemaking and Response to Public Comment

Chapter 135-110 WAC

Election and Replacement of Conservation District Supervisors

September 2026

Background

The Washington State Conservation Commission (SCC) is required by RCW 89.08.190 to adopt procedures for conservation district elections. These procedures are adopted through Washington Administrative Code (WAC) Chapter 135-110: *Election and Replacement of Conservation District Supervisors*.

At the March 2026 business meeting, the SCC's Board of Commissioners ("Commission") authorized staff to begin a rulemaking for WAC Chapter 135-110. This action was taken due to recent litigation related to conservation district elections in Thurston County Superior Court. SCC makes these changes to address issues arising from that litigation.

This Concise Explanatory Statement provides information about SCC's changes to WAC Chapter 135-110 and fulfills the responsibility under the Administrative Procedure Act to provide the reasons for adopting the rules, any difference between proposed rules and adopted rules, and a response to public comments.

Reasons for Adopting the Rules

On December 12, 2025, the Thurston County Superior Court resolved a lawsuit involving the SCC and its certification of the Clallam Conservation District election of 2024. Following the lawsuit, SCC has begun rulemaking to address the issues in that litigation.

The revised rules clarify how a conservation district fulfills a ballot request in elections that are not exclusively poll-site elections and address inconsistencies in the WAC. Additional reasons for the proposed changes are:

- The proposed changes would protect the integrity of conservation district elections by providing clarity, certainty, and uniformity in requiring districts to verify a voter's eligibility before fulfilling a ballot request, ensure that just one ballot is provided to a verified voter, and ensure that each ballot is again verified as coming from an eligible voter when it is tallied.
- The proposed changes would provide uniformity by requiring all conservation district elections to fulfill ballot requests using the same methods, resulting in more consistency in district elections.
- Verifying voters before providing a ballot more closely aligns with how ballots are provided for the general election so that the public, candidates, and others would have more certainty that a ballot is provided to verified voters.

Summary of Rulemaking Activities

SCC announced the rulemaking by filing the CR-101 with the Office of the Code Revisor on March 26, 2026. The CR-102, which contained the draft changes to WAC 135-110, was filed on May 27, 2026, and published in the Washington State Register Issue 26-12-037 on June 17, 2026.

SCC opened the public comment period from June 17 through July 31, 2026, inviting public comment through e-mail, US mail, and an online form designed to support the rulemaking process. A public hearing was held in Lacey, WA on July 30, 2026, with the opportunity to attend either in person or virtually. All public comments were considered for the adopted rules.

All information for the rulemaking process, including a background document, draft changes to WAC 135-110, and information for public comment, is available online at <https://www.scc.wa.gov/rulemaking>

Difference Between Proposed and Adopted Rules

The following table shows how the final adopted rules have been changed from the draft rules originally published with the Office of the Code Revisor. These changes are the result of feedback received through public comment. They were adopted to ensure clarity and consistency and to meet the intent of relevant statutes.

WAC	Proposed change filed with CR-102	Final adopted rule	Reason for Change
135-110-110	<u>"Designee" means a person trained in the specific duties or roles of the election supervisor and appointed by the conservation district supervisors to perform those specific duties or roles on behalf of the election supervisor when the election supervisor is unavailable. The designee assumes the responsibilities of the election supervisor, ensuring that necessary tasks are completed even when the election supervisor is unavailable.</u>	<u>"Alternate" means a person appointed by the conservation district board of supervisors to serve as the alternate to the election supervisor. The alternate should be trained in the role and specific duties of the election supervisor. Should the election supervisor become unavailable, the alternate will ensure necessary tasks are completed to conduct the election.</u>	This change uses the more common word "alternate" and simplifies the definition.
135-110-110	No change initially proposed to this definition.	"Polling officer" means a person appointed by the election supervisor to verify voter eligibility, assure compliance with this rule in and around the polling place, issue ballots, count ballots, and verify the unofficial ballot count in writing to conservation district supervisors. <u>The polling officer must not have shared financial interest with any candidate, board supervisor, or conservation district staff.</u>	Upon reflection of the public comments received, it was determined that this change was needed to clarify that polling officers must not have a conflict of interest tied to the outcome of the election.
135-110-110	No change initially proposed to this definition.	<u>"Provisional ballot" or "contested ballot"</u> means a paper ballot issued to a voter whose qualifications as a qualified district elector cannot be determined at the time the paper ballot is issued. A provisional ballot consists of two envelopes and a paper ballot. <u>A provisional ballot must be distinguished from a regular</u>	This change is to address concerns that a provisional ballot would not be distinguishable from a regular ballot. It also clarifies when a provisional ballot is submitted, the

		<u>ballot. Methods that can be used to distinguish a provisional ballot from a regular ballot include printing 'PROVISIONAL' on the ballot, using different colored paper or ink, by a combination of these methods, or other methods that serve to distinguish a provisional ballot from a regular ballot. A provisional ballot will be tallied only if the polling officer can verify that the voter is a qualified district elector after the ballot is returned.</u>	polling officer will again attempt to verify that the voter is eligible. If they are unable to, the provisional ballot will not be tallied.
135-110-230	WAC 135-110-230 Conservation district appoints election supervisor. (1) The conservation district supervisors must appoint a person or firm as the election supervisor and may also appoint the election supervisor's designee.	WAC 135-110-230 Conservation district appoints election supervisor. (1) The conservation district supervisors must appoint a person or firm as the election supervisor and may also appoint the election supervisor's <u>alternate.</u> designee.	This change revises the WAC to use “alternate,” updated from “designee.”
135-110-400	WAC 135-110-400 Conservation district to obtain list of registered voters. (By the first election day) <u>Before a ballot request is fulfilled,</u> the conservation district must obtain a current list of registered voters from the county auditor, secretary of state, or county elections offices, departments, or divisions for all territory within the conservation district boundary.	WAC 135-110-400 Conservation district to obtain list of registered voters. (By the first election day) <u>(1) Before a ballot request is fulfilled,</u> the conservation district must obtain a current list of registered voters from the county auditor, secretary of state, or county elections offices, departments, or divisions for all territory within the conservation district boundary. <u>(2) Before tallying votes, the conservation district must obtain an updated list for the final day ballots are due to account for all qualified district electors that register to vote or update their voter registration in time for the election.</u>	This change puts “office, department, or division” into a singular tense. It also clarifies a conservation district must use a current list of registered voters to fulfill ballot requests, and an updated list to account for all voters who register or update their voter registration in time for the election.
135-110-415	WAC 135-110-415 Fulfilling a ballot request. (1) A voter must provide information sufficient for the conservation district to verify an individual is a qualified district elector in the	WAC 135-110-415 Fulfilling a ballot request. (1) A voter must provide information sufficient for the conservation district to verify an individual is a qualified district elector in the	This moves the proposed change from WAC 135-110-620 to a more appropriate section. It has

	conservation district election before fulfilling a ballot request. (2) If a conservation district cannot verify an individual is a qualified district elector, the voter shall be issued a provisional ballot. (3) Only one ballot request per voter will be fulfilled. A voter who requests another ballot after a request has been fulfilled by the conservation district must be issued a provisional ballot, and the first ballot tallied by the conservation district is the only ballot that counts for that voter.	conservation district election before fulfilling a ballot request. <u>The voter will be required to sign an attestation declaring themselves to be the voter for whom the ballot was issued and that they reasonably believe they are a registered voter in the conservation district boundary.</u> <u>(2) A polling officer or the election supervisor must verify that a voter is a qualified district elector prior to providing a ballot.</u> <u>(23) If the polling officer or the election supervisor a conservation district cannot verify an individual is a qualified district elector, the voter shall be issued a provisional ballot.</u> <u>(34) Only one ballot request per voter will be fulfilled. A voter who requests another ballot after a request has been fulfilled by the conservation district must be issued a provisional ballot, and the first ballot tallied by the conservation district is the only ballot that counts for that voter.</u> <u>(5) Districts are required to track when a voter requests a provisional ballot. When processing a provisional ballot, the polling officer or election supervisor must review the voter information on the outer envelope and confirm that the voter had requested a provisional ballot. If this cannot be confirmed, the ballot will be disqualified.</u>	also changed from requiring two polling officers (or one polling officer and the election supervisor) to requiring one polling officer or the election supervisor to address administrative concerns. This change clarifies that districts are required to track when a voter requests a provisional ballot and ensure that any voter who returns a provisional ballot had requested one.
135-110-420	WAC 135-110-420 Conservation district must not use certain lists. If a conservation district provides unrequested ballots to a population that is less than all the eligible voters within the conservation district	WAC 135-110-420 Conservation district must not use certain lists Providing unrequested ballots. If a conservation district provides unrequested ballots, <u>the conservation district must send ballots to</u>	This change addresses a concern that allowing conservation districts to manage self-maintained lists for unrequested

	boundary, the conservation district must not use lists obtained from an individual conservation district supervisor or employee, nor from any candidate, nor from any trade, company, church, union, fraternal or other organization , <u>and the conservation district must verify that each voter on the list is a qualified district elector before sending that voter a ballot. Any voter on the list who can not be verified as a qualified district elector by the conservation district must be removed from the list and the ballot not provided to that voter.</u>	every eligible qualified district elector to a population that is less than all the eligible voters within the conservation district boundary, the conservation district must not use lists obtained from an individual conservation district supervisor or employee, nor from any candidate, nor from any trade, company, church, union, fraternal or other organization.	ballots could be problematic for district elections.
135-110-620	WAC 135-110-620 Conservation district must provide polling officers at each poll site and during the ballot request verification process in mail-in elections. The conservation district must provide at least two polling officers at each poll site, except the election supervisor or their designee may substitute for one polling officer at one poll site. <u>The conservation district must provide at least two polling officers during a mail-in election when the conservation district is verifying voter eligibility during the ballot request fulfillment process. The election supervisor may perform these functions in place of one of the polling officers.</u>	WAC 135-110-620 Conservation district must provide polling officers at each poll site. The conservation district must provide at least two polling officers at each poll site.; except tThe election supervisor or their designee may substitute for one polling officer at one poll site.	The proposed change to this WAC was misplaced. It has been incorporated into 135-110-415 above with a modification. “Designee” has been removed from the original version of this WAC, as the alternate for the election supervisor is only permitted to perform these tasks if the election supervisor becomes unavailable, per the definition of “alternate.”

Response to Public Comment

Below is a table with all comments and their responses. The comments are organized by the following topics: provisional ballots, voter eligibility, voter lists, administrative burden, and general comments.

#	WAC	Highlighted text from proposed change	Comment	Response
Provisional ballots				
1	110	"Provisional ballot" or "contested ballot" means -110a paper ballot issued to a voter whose qualifications as a qualified district elector cannot be determined at the time the paper ballot is issued.	The definition of provisional ballot provides for no physical difference between it and a regular ballot. As such, a provisional ballot may be treated as a regular ballot and tabulated upon being cast. This loophole should be closed.	While the definition of "provisional ballot" is not being revised, there are other provisions in the changes to WAC 135-110 that do use this definition. As a result, the SCC agrees that more specificity would be helpful. We have added the following to this definition: <u>“A provisional ballot must be distinguished from a regular ballot by the conservation district. Methods that can be used to distinguish a provisional ballot from a regular ballot include printing 'PROVISIONAL' on the ballot, using different colored paper or ink, by a combination of these methods, or other methods that serve to distinguish a provisional ballot from a regular ballot. A provisional ballot will be tallied only if the polling officer can verify that the voter is a qualified district elector after the ballot is returned.”</u>

2	415	<u>(2) If a conservation district cannot verify an individual is a qualified district elector, the voter shall be issued a provisional ballot.</u>	Since there is no physical difference between provisional and regular ballots, this is an open invitation for voter fraud and election fraud.	Response #1 addresses this concern.
3	415	<u>(3) Only one ballot request per voter will be fulfilled. A voter who requests another ballot after a request has been fulfilled by the conservation district must be issued a provisional ballot, and the first ballot tallied by the conservation district is the only ballot that counts for that voter.</u>	This is another open invitation for voter and/or election fraud. Ballots are not voter specific (no bar codes like the ballots for general elections). They may readily be handed to friends or family who will vote for the 'right' candidate. Very large loophole for getting more ballots after the ballot request deadline.	SCC has revised this new rule to include: <u>(4) Districts are required to track when a voter requests a provisional ballot. When processing a provisional ballot, the polling officer or election supervisor must review the voter information on the outer envelope and confirm that the voter had requested a provisional ballot. If this cannot be confirmed, the ballot will be disqualified.</u>
4	425	<u>Any voter on the list who cannot be verified by the conservation district must be issued a provisional ballot.</u>	Internally inconsistent proposed amendments. In one instance, the voter is removed from the list and not provided a ballot. In the next breath, the voter is issued a provisional ballot. The SCC must either get serious about election integrity, or give up running elections.	WAC 135-110-420 and WAC 135-110-425 serve different purposes. Concerns about provisional ballot have been addressed in response #1.
5	460	If a polling officer cannot verify a voter is a qualified district elector before a ballot is issued, a provisional ballot shall be issued	Yet more internal inconsistencies with regard to voter eligibility and provisional ballots (which are no	Responses #1 and #3 address this concern.

		to the voter. <u>The election supervisor may also perform these functions.</u>	different in appearance than regular ballots).	
6	460	(3) At a poll-site election, a provisional ballot must be issued if the voter's eligibility to vote cannot be determined during polling. A voter whose eligibility cannot be determined may only vote on a provisional ballot.	More inconsistencies as to eligibility and provisional ballots. The loophole on issuing provisional ballots seems to be large enough to drive a truck through. The message is clear: eligibility is optional; you can vote either way.	Responses #1 and #3 address this concern.
7	520	<u>If a conservation district cannot verify an individual is a qualified district elector, the voter shall be issued a provisional ballot.</u>	Yet more internal inconsistencies relating to the issuance of provisional ballots.	Responses #1 and #3 address this concern. The updates to the WAC pertaining to provisional ballots addresses concerns about inconsistency.
8	520	(4) ((At a poll-site)) During an election, a provisional ballot shall be provided to any individual wishing to vote when the individual cannot be verified as eligible to vote prior to the issuance of a ballot.	Yet more internal inconsistencies. Are provisional ballots to be issued regardless of what the election resolution states? What if there is a deadline for requesting ballots? What does “during an” election mean? When does an SCC election start? When does it end?	Conservation districts are permitted to establish their procedures for their election within the parameters set by the WAC, including WAC 135-110-210, which requires a resolution to establish the election, and 135-110-410, which requires a deadline for requesting ballots.
9	N/A	N/A	This comment was provided twice through email and the rulemaking comment form. In several places there is mention of the issuing of a provisional ballot, which cannot be counted. What is	The changes related to provisional ballots seek to clarify that at any time a voter’s eligibility cannot be determined or the voter makes a second request for a ballot, then the conservation district would issue a provisional ballot to the voter.

			the logic of issuing a ballot that cannot be counted? If the postal system screwed up delivery, I fully get the voter being issued a provisional ballot that will be counted. If you cast a regular ballot and still requested a provisional (that cannot be counted), I do not understand that logic.	WAC 135-110-110 has been updated as described in response #1. WAC 135-110-415 states: “Only one ballot request per voter will be fulfilled. A voter who requests another ballot after a request has been fulfilled by the conservation district must be issued a provisional ballot, and the first ballot tallied by the conservation district is the only ballot that counts for that voter.”
Comments on voter eligibility				
10	110	"Voter" means a person who submits a ballot in a conservation district election.	Notice the lack of eligibility in this definition. The word “person” should read “qualified district elector”	Changes to this WAC include revisions to determine eligibility when a ballot request is fulfilled. However, the final determination occurs when a ballot is received and processed. For example, a voter’s registration status may change if they change their address on their voter registration to a location outside the district after receiving their ballot, but before election day. A voter may also submit a provisional ballot to have their eligibility determined on election day.
11	520	<u>A voter must provide information sufficient for the conservation district to verify the individual is a qualified district elector in the conservation district election before fulfilling a ballot request.</u>	This term is so vague as to be meaningless.	Conservation districts must have sufficient information to compare to the official list of registered voters. This is typically a name and address. New language has been added to

				WAC 135-110-415 to require voter attestation when voting in conservation district elections.
12	550	(2) Each poll list must contain: (a) The name of the conservation district; (b) Whether the poll list is for a poll-site (for), mail-in, <u>remote, or a combination of these election methods</u>, and if a poll-site election, the location of the poll site and the date of polling must be specified; (3) For poll lists at poll sites, each voter must provide: (a) His or her name, sufficient to allow identification in the voter registration list; (b) An address sufficient to allow identification in the voter registration list; and (c) The signature of the voter. (4) For poll lists in mail-in elections, the name and address of the voter must be recorded.	Since the districts do no signature verification (and request no voter ID), this is meaningless. It's all for show. Anyone may access the voter registration list and vote in any district election using a false identity. There is an alarming lack of concern over election security in SCC/district elections.	Response #11 addresses this concern.
13	640	(2) <u>During a poll-site election</u>, paper ballots must be placed into the ballot (boxes) <u>box by the voter</u>.	No such requirement exists for mail-in elections. There is no signature verification, no unique bar code for the voter, rendering the mail-in process from request to submission an open invitation for both voter fraud and election fraud.	Response #11 addresses this concern.

Comments on voter lists				
14	420	If a conservation district provides unrequested ballots to a population that is less than all the eligible voters within the conservation district boundary, the conservation district must not use lists obtained from an individual conservation district supervisor or employee, nor from any candidate, nor from any trade, company, church, union, fraternal or other organization, <u>and the conservation district must verify that each voter on the list is a qualified district elector before sending that voter a ballot.</u>	The CCD used an internal list to send unauthorized ballots to non-requestors for the 2026 Election. The concept of limiting the voting population to self-maintained lists is entirely open to manipulation and abuse.	SCC has revised this change to strike the initial amendment language and make the following change for clarity when a conservation district is sending ballots to voters who have not requested a ballot: " If a conservation district provides unrequested ballots, <u>the conservation district must send ballots to every eligible qualified district elector to a population that is less than all the eligible voters</u> within the conservation district boundary, the conservation district must not use lists obtained from an individual conservation district supervisor or employee, nor from any candidate, nor from any trade, company, church, union, fraternal or other organization.
15	420	<u>Any voter on the list who cannot be verified as a qualified district elector by the conservation district must be removed from the list and the ballot not provided to that voter.</u>	This proposed amendment is internally inconsistent with various WACs permitting the use of 'provisional' ballots. As usual, it sounds 'nice', but is not harmonized with the rest of the WACs, thereby creating enough 'gray' area for systemic election fraud.	SCC will strike this proposed language to align with the revision described in response #14.

Comments on administrative burden				
16	110	N/A	Conservation district elections are complex and require far more than simply reading WAC 135-110, Commission guidance, or written procedures. The practical knowledge needed to administer an election comes from hands-on participation throughout the full election cycle. For that reason, WAC 135.110 should reflect that the Election Supervisor designee should be allowed to serve as a polling officer even if they are a CD staff member. The "designee" should receive practical, real-time training in the duties required to conduct and oversee the election. Allowing an election designee (or possibly a Deputy election supervisor) to participate throughout the whole process would strengthen compliance, reduce administrative errors, and help ensure that conservation district elections are	The definition for “alternate” (formerly “designee” – that term is updated in the adopted WAC) introduced through this rulemaking process is important to maintain impartial and independent administration of conservation district elections by having minimal staff engaged in the process. However, to address the administrative burden expressed, SCC has updated the WAC to no longer require two polling officers or one polling officer and the election supervisor to verify that someone is a qualified district elector prior to fulfilling a ballot request. SCC will only require one person for this task. This is now reflected in WAC 135-110-425: <u>(2) A polling officer or the election supervisor must verify that a voter is a qualified district elector prior to providing a ballot.</u> SCC is comfortable with this change since voter eligibility will again be determined when ballots are processed.

			conducted consistently and lawfully. This would require WAC 135-110 to clearly authorize the Election designee role to be a polling officer including when the designee is a district employee.	
17	460	(1) <u>During poll-site, mail-in, remote, or any combination of these methods of election</u>, a polling officer must verify a voter is a qualified district elector before issuing a ballot to the voter.	I received notice that the CCD office administrator was sending out ballots for the 2026 CCD Election. Employees may not be polling officers. Are the districts prepared to hire polling officers to be on-site for weeks on end to handle these elections? The real-life logistics of running these elections is incompatible with these rules. The CCD election supervisor seems to be sending this message to the SCC and the SCC is seemingly not listening.	SCC is aware that the changes could require additional time and effort for the election supervisor and polling officer(s) to verify each voter when ballot requests are fulfilled.
18	520	WAC 135-110-520 (Ballots must be provided on) <u>Conservation districts must provide ballots on request and verify that an individual is a qualified district elector before fulfilling a request.</u>	This proposed amendment is inconsistent with the supervisors setting deadlines, such as a deadline to request a ballot. Are ballots to be issued upon demand regardless of what the election	The amendments to WAC 135-110-520 are designed to reinforce the requirement for each conservation district that, regardless of the type of election held, must verify that the individual who requests a ballot is a qualified district elector before a ballot can be

			resolution states? At any time? During business hours and after hours (as has happened at CCD offices)? Will a polling officer be available at all times to determine eligibility? This practice was abused by the CCD for the 2024 and 2025 Elections.	provided. Conservation districts are permitted to establish their procedures for fulfilling a ballot request, which could include having the polling officer or election supervisor available in the office to process requests as they come in, or processing requests in batches when the polling officer or election supervisor are available.
19	620	The conservation district must provide at least two polling officers at each poll site, except the election supervisor or their designee may substitute for one polling officer at one poll site. <u>The conservation district must provide at least two polling officers during a mail-in election when the conservation district is verifying voter eligibility during the ballot request fulfillment process. The election supervisor may perform these functions in place of one of the polling officers.</u>	See earlier comment. This is a good effort to solve the issue of employees handling elections. But budget-wise, do the districts have the resources to pay for two polling officers to be on hand at all times for weeks on end? Or will the tasks naturally fall to the employees on site? The SCC has to think about what is realistically possible for the districts to handle. Perhaps the SCC should send polling officers to handle district elections? If the SCC does not have the staff to run 40+ elections, then it should find the funding to move the elections to the general ballot. The time has come.	Response #33 addressed this concern.
General comments				

20	110	"Canvass" and "canvassing" means to examine carefully or scrutinize the election returns for authenticity and proper count.	The SCC does not appear to canvass results per this definition. The SCC seemingly accepts the vote totals from the district elections and 'certifies' based thereon. The SCC's involvement with elections appears to be limited to email/phone support and limited personal observation from outside the election room during tabulation.	Since no changes to the definition of "canvass" or "canvassing" are included in the changes to WAC Chapter 135-110, this comment goes beyond the scope of the current rulemaking process.
21	110	<u>"Designee" means a person trained in the specific duties or roles of the election supervisor and appointed by the conservation district supervisors to perform those specific duties or roles on behalf of the election supervisor when the election supervisor is unavailable. The designee assumes the responsibilities of the election supervisor, ensuring that necessary tasks are completed even when the election supervisor is unavailable.</u>	CCD hired an election assistant for the 2025 and 2026 elections. For the 2026 CCD Election, the election supervisor left the room and was primarily absent during the ballot verification process that I observed. In her absence, I witnessed multiple volunteers working by themselves (not in pairs) to authenticate ballots (with a swipe of a marker). This proposed amendment will make it much easier for the election supervisors to be absent leading to concerns over election integrity and accountability.	This addition to WAC Chapter 135-110 is designed to allow for a trained person to take over the duties of the election supervisor in limited circumstances. The intention of this addition, in conjunction with the change to WAC 135-110-230(1), is to ensure that when an election supervisor is unavailable to perform their duties, another person can assume those responsibilities.
22	110	Only the conservation district board of supervisors may set election dates and appoint the election supervisor.	This provision limits the setting of election dates to the supervisors, but in reality, the districts feel	Since no changes to the definition of "election supervisor" are included in the changes to WAC Chapter 135-110, this comment goes

			emboldened to ignore their own deadlines. Example from 2026 CCD Election: contrary to a clearly noticed deadline in the Election Resolution to request a mail-in ballot by a set date and time, the CCD mailed hundreds of ballots to non-requestors based on an internal list. The SCC has stalled the investigation of these allegations.	beyond the scope of the current rulemaking process.
23	110	"Mail-in election" means an election in which mail-in ballots are provided before election day to qualified voters.	But additional ballots are mailed to non-qualified voters, as was the case for the 2026 CCD Election.	Since no changes to the definition of "Mail-in election" are included in the changes to WAC Chapter 135-110, this comment goes beyond the scope of the current rulemaking process.
24	110	"Neglect of duty" means failure by a supervisor or supervisors to perform mandatory duties. Such duties include, but are not limited to: (a) Compliance with laws and rules imposed by local, state, and federal government entities; (b) Attendance at a sufficient number of board meetings so as to not impede the work of the conservation district;	District supervisors openly disparage members of the public who raise election procedure concerns or who raise other legal concerns such as a lack of compliance with federal grant contract terms. The conduct reflects poorly on the districts and the SCC.	Since no changes to the definition of "Neglect of duty" are included in the changes to WAC Chapter 135-110, this comment goes beyond the scope of the current rulemaking process.
25	110	"Remote election" means an election in which ballots are returned by some means other than for a poll-site election.	This definition appears aimed at permitting electronic elections. Electronic voting is inconsistent with the constitution's requirement	Since no changes to the definition of "remote election" are included in the changes to WAC

			that all elections “shall be by ballot” and that the legislature must provide for a method of voting that secures to every elector absolute secrecy in preparing and depositing the ballot. There is no way to hide the elector’s identity with an electronically submitted vote.	Chapter 135-110, this comment goes beyond the scope of the current rulemaking process.
26	110	"Significant noncompliance" means the failure to follow the requirements in this rule that may affect the outcome of an election or deny voters their right of privacy in voting.	With respect to the 2026 CCD Election, upon information and belief, the CCD examined the identify of voters who had requested a ballot, and based on the perceived political leanings of those prospective voters, decided to mail out additional ballots to non-requestors. The expansion of the voting population was based on a privacy breach for those who had timely requested a ballot. This is just one reason why privacy in voting is essential and constitutionally protected. The SCC has stalled the investigation of these allegations.	Since no changes to the definition of "significant noncompliance" are included in the changes to WAC Chapter 135-110, this comment goes beyond the scope of the current rulemaking process.
27	230	(2) The election supervisor: (a) Serves as the primary point of contact between the conservation district and the conservation commission for the	This section demonstrates the lack of clear accountability for district elections. Is it the election supervisor (who has to conduct	The only section of WAC 135-110-230 to be amended is the addition of the phrase, “and may also appoint the election supervisor’s designee” (now changed to “alternate”) at the

		conservation district election; (c) Assures that required election procedures are properly conducted; (3) Conservation district supervisors remain responsible for conducting an election in compliance with this section.	elections for their own bosses which is a clear conflict of interest) or the district supervisors? If supervisors are responsible for conducting the election, where is the line drawn for supervisors who are also candidates? It would appear from the 2026 CCD Election that the supervisor candidate was involved with the decision to expand the voting population (to her favor), as she was the person who publicly revealed the scheme. The internal conflicts of interest render district elections virtually impossible to properly and independently conduct. This is just one reason why the public has asked that these elections be put on the general ballot.	end of Section (1). No part of the comment addresses that amendment, so this comment goes beyond the scope of the current rulemaking process.
28	400	((By the first election day)) Before a ballot request is fulfilled, the conservation district must obtain a current list of registered voters from the county auditor, <u>secretary of state, or county elections offices, departments, or divisions</u> for all territory within the conservation district boundary.	This is so open-ended as to be meaningless (and an invitation for election fraud). Per the CCD 2026 election supervisor, she had the county auditor on 'speed dial' due to differences between the registered voter list from the SOS and the County's list. I gathered that the voters missing from the SOS list	Conservation district elections are governed by RCW Chapter 89.08 and WAC Chapter 135-110. Within that framework, SCC allows conservation districts options to conduct their elections by a variety of means, including receiving assistance from County auditors or County elections departments. To comply with WAC 135-110-400, conservation districts will have to obtain a current list of

			were found by the county auditor on the county's list. Since these are county elections, using the county auditor's official list is the most logical choice. This proposed amendment should be rejected.	registered voters. The amendment allows the conservation district to obtain that list from whichever appropriate entity exists within their district.
29	410	WAC 135-110-410 Conservation district must set deadline for (requesting ballots be mailed or sent) a voter to request a ballot.	This is a nice idea, but the CCD did not follow this. The deadline to request a mail in ballot was meaningless for the 2024, 2025 and 2026 elections. The SCC can write any rules it wishes; the districts seem to view compliance as nothing more than a suggestion.	This addition to WAC Chapter 135-110 is designed to add clarity to the voter's requirement to request a ballot and the conservation districts requirement to fulfill a ballot request.
30	520	(3) Ballots may be provided electronically if a suitable means of determining voter eligibility and preventing voter fraud are utilized.	This appears to be another loop-hole for electronic voting that violates the state constitution. Votes cast by email, for instance, are not private.	Since no changes to this sentence are part of the changes to WAC Chapter 135-110, this comment is beyond the scope of the current rulemaking process.
31	520	(3) Ballots may be provided electronically if a suitable means of determining voter eligibility and preventing voter fraud are utilized.	This term is so vague as to be meaningless. It appears the SCC wants to migrate to electronic elections. The SCC may not violate the state constitution.	Since no changes to this sentence are part of the changes to WAC Chapter 135-110, this comment is beyond the scope of the current rulemaking process.
32	640	WAC 135-110-640 Conservation district must assure privacy in voting. (1) The ballot choice made by a voter must not be seen by	Remotely cast votes via email, or other electronic methods, violates this rule.	Since no changes to this sentence are part of the changes to WAC Chapter 135-110, this comment is beyond the scope of the current rulemaking process.

		any other person during the act of voting or the placing of the ballot in the ballot box, except in circumstances necessary to allow a disabled voter to cast their ballot, as set out in WAC 135-110-250.		The second section of WAC 135-110-640 addresses this concern: (2) Paper ballots must be placed into ballot boxes. Electronic ballots must assure at least the same level of security and privacy as provided by paper balloting.
33	640	Electronic ballots must assure at least the same level of security and privacy as provided by paper balloting.	Good sentiment. Impossible to provide in real life.	Since no changes to this sentence are proposed as part of the changes to WAC Chapter 135-110, this comment is beyond the scope of the current rulemaking process.
34	N/A	N/A	While there are procedures detailed, unless I have missed it, there does not seem to be a way to assign explicit responsibility for carrying them out. Perhaps, in announcing the results, the Election Supervisor must sign an affidavit affirming that all procedures, including the verification of voters, were carried out in conformity with the WAC?	Election supervisors in conservation district elections are required to provide an attestation that the information they provide to SCC is accurate and that the election was conducted properly. This is done through their submittal of Election Form #2, which is submitted to SCC after the election. That attestation reads: <i>"By submitting this form, I attest that the district retains all relevant original documents, notices, and/or other materials that support each assertion made herein, and that the information supplied is true and accurate to the best of my knowledge. I further attest that this election was conducted properly, and I understand that if any portion of the information contained in this form is found to be incorrect, the Conservation</i>

				<i>Commission reserves the right to take appropriate action."</i>
35	110	N/A	This comment was provided twice through email and the rulemaking comment form. WAC 135-110-110, definition of 'Designee'. This definition makes no reference to "or firm" as is made under 135-110-230, on Page 4, line 3. Seems to me that "or firm" ought to be considered for repeal so as to avoid any potential confusion or meaning. "of firm" should appear in both WACS or under neither, unless I'm missing some subtlety.	The conservation district board of supervisors have the duty to appoint an election supervisor. The election supervisor may be a person or firm. If a conservation district chooses to work with a firm, it is unlikely they would need a person to serve as an alternate, though they could choose to appoint that position. The board of supervisors has the option to appoint an alternate (formerly "designee") to fulfill the responsibilities of the election supervisor should they become unavailable. Per the definition, the alternate must be a specific person. It is unlikely that a conservation district would contract with a firm to be trained in conducting their election if that service is ultimately not needed.
36	400	N/A	This comment was provided twice through email and the rulemaking comment form. WAC 135-110-400. I think there is a 'singular vs. plural' issue in the phrasing of this amendatory rule. The title references conservation district in the singular. In Line 5, plural is used for 'offices, departments, or divisions'. I think	SCC has revised this amendment to make a singular reference to "<u>office, department, or division.</u>"

			these references should be in the singular.	
37	410	N/A	This comment was provided twice through email and the rulemaking comment form. WAC 135-0110-410. I don't see, under Definitions, a definition for "reasonable deadline." Has a voter ever challenged not receiving a timely ballot on the basis of the request deadline being unreasonable? I like to anticipate problems and be prepared in advance. Just a thought.	Since no changes to the definition of "reasonable deadline" are included in the changes to WAC Chapter 135-110, this comment goes beyond the scope of the current rulemaking process.
38	425	N/A	Comment provided at public hearing, which are also included in a cover letter sent via email and attached to comments addressed above: Virginia Shogren, Sequim, Washington. I submitted detailed written public comment for this hearing, for which I appreciate your review and consideration. As I stated at the hearing in Thurston County Superior Court in December of 2025, I have yet to have	SCC takes conservation district elections and this rulemaking process seriously. This comment reiterates several concerns addressed above, including concerns about voter eligibility, provisional ballots, lists of voters to receive a ballot, the potential for inconsistency, and language or definitions perceived as vague. All these concerns are addressed in the responses above, and particularly responses #1, #3, #4, #11, #14, #15, #18, and #28 address these comments. Specific attention is given to WAC 135-110-425. The commentor alleges that this new

			confidence in the SCC's ability or desire to oversee clean elections. This rulemaking process only heightens those concerns. As you will see from my specific comments, the WACs, even with the proposed amendments adopted still permit the casting of ballots by ineligible electors. For example, via a provisional ballot or via ballots obtained after a request deadline in an election resolution. The WAC provisions contain vague language and definitions, are internally inconsistent, and as a result are unclear and render compliance difficult, if not impossible. At a recent Clallam Conservation District board meeting, a supervisor suggested that Clallam County return to in-person single-day elections in order to keep costs to a minimum while the legislature considers new statutory language that would allow and provide funding for districts to place their elections on the general ballot. I believe that this suggestion had	WAC is intended to address the procedures of elections that have already occurred. Changes to the WAC will only apply to elections that occur after adoption. WAC 135-110-425 only applies when a voter requests a ballot be sent to them. It does not permit the district or any other entity to create a list of voters to receive ballots who have not requested them. That concern is unrelated to this WAC but still addressed in responses #15 and #16. Regarding your comment on public disclosure requirements, conservation district supervisor candidates are exempt from these requirements through state law. This cannot be changed through the rulemaking process. SCC does not intend to require conservation districts to conduct elections through poll-site only. The WAC are designed to allow conservation districts to conduct elections in a way that encourages broad participation while maintaining the integrity of elections. The attachments mentioned in the cover letter are noted, but do not contain any comments on this rulemaking process.
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			merit. A return to in-person single-day elections would alleviate the issues with hybrid and mail-in elections, which are fraught with both election fraud and voter fraud. Such a return would solve the immediate and pressing budget concerns, and it would allow the districts the time and space to work on legislation that solves all problems. Finally, I want to draw your attention to one proposed new section in particular that is proposed WAC 135-110-425 regarding requested ballot lists. This proposed new provision seems to be aimed at covering up the irregularities from the Clallam County 2026 election, for which I filed an election contest. Adoption of that rule will be used as evidence in the election contest and any litigation following any certification. Clallam County sent hundreds of ballots to non-ballot requesters in violation of its own election resolution.	
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			This proposed amendment would allow anyone within a conservation district to create a list of perceived prior voting friendlies who they want to receive a ballot going forward. This concept of private elections is not going to win the day. Clallam County is now placing an annual lien as to every parcel with its rates and charges taxes. Every eligible voter impacted by those liens should receive a ballot, not just those on insider lists. The only lawful, requested ballot list is the county voter registration list. Please do not adopt WAC 135-110-425. Thank you. Additional comments addressed in the cover letter but not included in the public hearing: The SCC also should be aware that a political party was involved in the 2026 CCD Election, and to my knowledge, granted one candidate an endorsement. Holding public elections in which	
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			political parties are actively involved, but which are not subject to PDC oversight or disclosure requirements, is not a tenable situation. Also enclosed is a recent report regarding the issues with the CCD 2026 Election. Public awareness of problems with SCC elections is growing. I urge the SCC to take action to restrict district elections to in-person, single day elections with Voter ID, as dictated by its election guide. This would allow stakeholders the time and resources to then work with the legislature to move these elections to the general ballot subject to normal election oversight and disclosure requirements.	
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39	230	N/A	Comment provided at public hearing: Kim Williams, Clallam CD: Thank you for the work that you've done today to prepare for today. And I... excuse me, I have a summer cold cough, so my voice is a little squeaky, but I do want to, for the record, note that the claims against Clallam Conservation's election are uncorroborated, and they are not proven. And, so, that needs to be taken into consideration. I also would like to request that as the Commission is considering changes to the WAC 135-110 that, they also consider that two conservation district staff can be polling officers. One of them, usually the elections supervisor, and then another one who could possibly also be the designee or alternate that you are talking about. I cannot imagine putting an alternate into overseeing an election who has not had polling officer training, and they need to, Be involved, to be able to step in if the	Response #16 addresses this comment.
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			election supervisor is not able to. And that's it. Thank you.	
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