

**RESOLUTION 2020-002**

**RESOLUTION OF THE MOSES LAKE IRRIGATION**

**AND REHABILITATION DISTRICT**

**POLICIES AND PROCEDURES FOR ELECTION OF DIRECTORS**

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

**WHEREAS**, the Board of Directors updated and consolidated the District's policy and procedures for the conduct of Director Elections in Resolutions 2010-20, 2014-055, and 2018-003;

**WHEREAS**, a court has ruled that the District is subject to the provisions of RCW 87.03.051 rather than RCW 87.03.071;

**WHEREAS**, the Board of Directors wishes to comply with that ruling;

**WHEREAS**, the Board of Directors has carefully reviewed RCW 87.03.051 and has determined that it is ambiguous in some respects and has determined that stating its interpretation of the statute should be set forth in this Resolution which can be reviewed by all District electors prior to the 2020 election;

**WHEREAS**, the Board of Directors has determined that the following policies and procedures best meet the requirements of RCW 87.03.051 while ensuring that MLIRD elections are fair and that electors' voting rights are protected and not diluted by unqualified or duplicate votes to the extent reasonably and practicably possible;

**NOW, THEREFORE IT IS HEREBY RESOLVED** by the Board of Directors of the Moses Lake Irrigation and Rehabilitation District that the District's policies and procedures for the conduct of Election of Directors are hereby modified, superceded, and restated as follows:

1. Board Positions and Terms

A. The Board has five positions. All positions are elected by district members from the District at large. There are no Director districts.

B. 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).

C. The Board Positions and terms are as follows:

1. Position 1: Three year terms beginning January 2020
2. Position 2: Three year terms beginning January 2018
3. Position 3: Three year terms beginning January 2019
4. Position 4: Three year terms beginning January 2020
5. Position 5: Three year terms beginning January 2019

D. 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. Petitions of Nomination; Filing Deadline

- A. Notice of Board Positions Opening: MLIRD 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, MLIRD 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 Moses Lake Irrigation and Rehabilitation District signed by at least ten qualified electors (voters) in the District and also be a qualified voter within the District. 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 Moses Lake Irrigation and Rehabilitation District forms will only be available at the District office located at 932 E. Wheeler

Rd., Moses Lake WA. 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 Moses Lake Irrigation and Rehabilitation District, the General Manager or designee will verify that the candidate is a qualified elector of the District and will verify that the Petition includes the valid signatures of at least 10 qualified electors (voters) in the District. 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.

3. 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 Moses Lake Irrigation and Rehabilitation District is filed for a director position prior to the close of the filing period.
- 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.

4. Conducting Director Elections

- A. 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 Moses Lake and Irrigation District are filed for the same director position prior to the close of the filing period.
- B. A "Notice of Election" substantially in the form attached hereto, shall be posted in at least three public places within the Moses Lake Irrigation and Rehabilitation District Boundaries 15 days prior to the election. For post-2020 elections, the Notice shall remove the language stating that new or different rules will be applied. The Notice of Election shall state the election date, the director term, the polling place, address, the opening and closing times of the polling place, 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 MLIRD 's official seal.
- C. The Board of Directors shall appoint a Board of Election and designate a polling place as set forth in RCW 87.03.085. Individuals serving on the Board of Election shall be paid by the District.
- D. 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, location of the polling place and instructions for absentee voting. The news release will be issued to newspapers known to be in general circulation within the District area and may be issued to radio and television media known to be broadcasting with the District area. Paid advertisements and paid legal notice advertisements are not required.

- E. The Manager or designee shall procure and manage ballots in the manner set forth in RCW 87.03.075. The names of the candidates are to be printed on the ballot in the chronological order in which their respective Petition of Nomination for Election for Director of the Moses Lake Irrigation and Rehabilitation District was filed with the District. Ballots shall contain a space for the writing in of the name of an undeclared candidate.
- F. 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.
- G. Candidates may distribute Absentee Voter's Application forms to voters. Candidates may not distribute absentee ballots.
- H. On Election Day the voting shall be carried out in the manner set forth by RCW 87.03.090, 87.03.095 and 87.03.100. The Administrative Assistant, Manager or designee shall provide assistance to the Board of Election to the extent requested.
- I. The Manager or designee shall prepare additional instructions and reference materials regarding the management of ballots and conduct of elections for use by District staff and the Board of Election, said information being consistent with the appropriate provisions of Chapter 87.03 RCW and this Resolution.
- J. The Board of Directors shall meet at 7:00 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.

##### 5. Qualifications of Voters and Directors; Voting Rights

- A. MLIRD elections are being conducted under RCW 87.03.051 pursuant to court ruling.
- B. A person eighteen years old, being a citizen of the United States and a resident of the State and who holds title or evidence of title to assessable land in the District shall be entitled to vote therein, and be recognized as an elector.
- C. A corporation, general partnership, limited partnership, limited liability company, or other legal entity formed pursuant to the laws of the State of Washington or qualified to do business in the State of Washington that owns land in the District shall be recognized as an elector.
- D. Voting rights allocation and voting. Voting rights shall be 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 MLIRD Board of Directors interprets this statute as follows:

1. A person "holds title" to land if they hold title in their name. MLIRD will determine who holds title in their name by using the name are identified as the parcel owner in the property records of Grant County as reflected on the Grant County TaxSifter system online at:

<https://grantwa-taxsifter.publicaccessnow.com/Disclaimer.aspx>,

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.)

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” shall 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 Grant County Records. The Election Board & MLIRD staff shall determine the acreage of each “ownership” based on the names of owners and the acreages stated in the Grant County TaxSifter, Grant County GIS, and other Grant County records (“Grant County Records”). The Board of Directors, while mindful of the disclaimer on the TaxSifter website, has determined that TaxSifter is 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 if not impossible for the MLIRD to perform its own title ownership research for the approximate 11,000 parcels within the MLIRD boundaries, and even the disclaimer states that the TaxSifter “data provided represents current information in a readily available format” and “is generally believed to be accurate.” 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 TaxSifter data is fair and appropriate for this purpose. Similarly, the Board determines that the Grant County GIS records are the most credible evidence of acreages that is reasonably and practicably available, and is more accurate and more complete than TaxSifter as to acreages of parcels.

- iii. Board of Elections and/or Staff Authorized to Consider Other Information and Aggregate Ownerships. If TaxSifter shows 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 MLIRD 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 and/or MLIRD 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 TaxSifter records, the Election Board and/or MLIRD 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 Grant County TaxSifter records at <https://grantwa-taxsifter.publicaccessnow.com/Disclaimer.aspx>, to take whatever steps appropriate with the County to correct the TaxSifter records if in error as soon as possible and prior to the election, and to notify District staff if TaxSifter uses 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 Entity And If More Than One Owner.

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 MLIRD Board interprets this as follows.

- i. 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.
- ii. 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).
- iii. 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.

iv. 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.

- a. 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).
- b. 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).
- c. 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).
- d. 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.

8. 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.

## 6. 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.

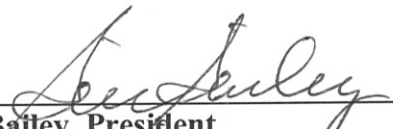
B. Directors commencing a new term shall execute a public official's bond to the District in the sum of \$1,000 conditioned for the faithful discharge of the Director's duties which shall be approved by the judge of the Grant County Superior Court. The premium for said bond shall be paid at the expense of the District.

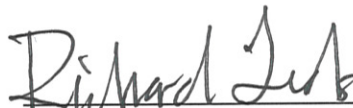
C. The oath and bond subscribed and executed by a new Director shall be recorded in the office of the Grant County Clerk and filed with the District Manager.

#### 7. Filling Vacant Director Positions

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

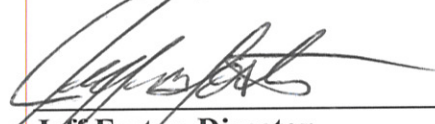
Adopted in a regularly scheduled open public meeting by a majority of the MLIRD Board of Directors on October 13, 2020.


  
\_\_\_\_\_  
Bill Bailey, President

  
\_\_\_\_\_  
Richard Teals, Vice President

  
\_\_\_\_\_  
Kris Dexter, Director

\_\_\_\_\_  
Kaj Selmann, Director

  
\_\_\_\_\_  
Jeff Foster, Director

  
\_\_\_\_\_  
Chris Overland, District Manager  
and Secretary of the Board

NOTICE OF ELECTION FORM

# MLIRD ELECTION

(Moses Lake Irrigation and Rehabilitation District)

## NOTICE OF ANNUAL ELECTION FOR DIRECTOR POSITION

### IMPORTANT!

**NEW ELECTION PROCESS AND VOTING RIGHTS  
YOUR VOTING RIGHTS ARE NOW BASED ON ACRES IN  
OWNERSHIPS, NOT TWO VOTES PER PARCEL**

### MLIRD ELECTORS SHOULD READ MLIRD RESOLUTION 2020-002

RESOLUTION 2020-002 EXPLAINS THE NEW RULES.  
COPIES ARE AVAILABE AT THE MLIRD OFFICE, 932 E WHEELER RD  
OR ONLINE AT [www.mlird.org/elections.html](http://www.mlird.org/elections.html)

MLIRD BASES VOTING RIGHTS ON OWNERSHIP NAMES AND  
ACREAGES STATED IN THE **GRANT COUNTY TAXSIFTER**  
WEBSITE.

### MLIRD ELECTORS SHOULD CONFIRM THAT THEIR NAME AND ACREAGE IS ACCURATELY REFLECTED ON THE GRANT COUNTY TAXSIFTER WEBSITE

<https://grantwa-taxsifter.publicaccessnow.com/Disclaimer.aspx>

Notice is hereby given that the annual MLIRD election will be held on **December 8, 2020** for the position of Director. One director position is up for election this year and will serve a term of three (3) years commencing January 5, 2021 as MLIRD Board Director. That the Board of Directors has declared the entire District as one precinct for this election and the polling place for this election shall be at **934 E Wheeler Rd. Moses Lake, WA 98837**

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 "MLIRD's Qualified Elector Written Request Form" (available at the District office or at [www.mlird.org/elections.html](http://www.mlird.org/elections.html)) to the District at P.O. Box 98, Moses Lake, WA, 98837, prior to the date of the election. (RCW 87.03.032)

Completed Absentee Ballots **MUST** be delivered to the MLIRD office at 932 E. Wheeler Rd. Moses Lake WA 98837 before 8:00 p.m. on Election Day, or if sent by mail to PO Box 98 Moses Lake WA 98837 **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.mlird.org/elections.html](http://www.mlird.org/elections.html)

By order of the Board of Directors of the MLIRD (Moses Lake Irrigation and Rehabilitation District.

\_\_\_\_\_  
Signature of Secretary  
to the Board of Directors

Date Posted: \_\_\_\_\_, 2020

MLIRD's official Seal

COMMON AGREEMENT  
TO  
VOTE FOR LEGAL ENTITY OR JOINT OWNERSHIP

MOSES LAKE IRRIGATION AND REHABILITATION 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 MLIRD Resolution 2020-002.

COMMON AGREEMENT  
TO  
VOTE FOR MARITAL COMMUNITY



# MOSES LAKE IRRIGATION AND REHABILITATION 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

# MOSES LAKE IRRIGATION AND REHABILITATION 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)

**MLIRD**  
**“CERTIFICATE OF QUALIFICATION”**  
**TO VOTE BY ABSENTEE BALLOT**

STATE OF WASHINGTON  
County of Grant

The following statements are made for the purpose of establishing my eligibility to vote in the Election in the MLIRD (Moses Lake Irrigation and Rehabilitation District) to be held on December 08, 2020.

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 MLIRD 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 casting 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 Moses Lake Irrigation and Rehabilitation 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**