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March 17, 2023

Hon.Robert Ferguson
Attorney General of the State of Washington
PO Box 40100
Olympia, WA 98504-0100

Re: Request for Informal Opinion Regarding Applicability and Interpretation of RCW 27.12.320 when a Rural Library District Includes by Annexation an Incorporated City

Dear Attorney General Ferguson:

I am submitting this request for an informal opinion based upon the circulation of a petition in this county for a measure to appear on the ballot at the general election in this County dissolving the Columbia County Rural Library District. As time is of the essence in answering this question, I am requesting an informal opinion, though if you feel it is of sufficient general interest, I defer to your choice to issue a formal opinion—I only ask that you bear in mind that we will need an answer before the deadline to place this measure on the ballot.

Background and Legal Basis

The Columbia County Rural Library District (CCRLD) is composed of both the unincorporated areas of Columbia County, Washington (the County), and the City of Dayton, Washington (the City). The City chose to be annexed into the CCRLD by a vote as provided for in RCW 27.12.360 after formation of the CCRLD. A group of citizens have circulated a petition to dissolve the CCRLD. The plain wording of RCW 27.12.320 seems problematic in that it may disenfranchise voters, and there does not appear to be any analogous caselaw to aid in determining how a rural library district may be dissolved under these circumstances.

RCW 27.12.320 states that the proposition for dissolution may be placed on the ballot pursuant to a petition signed by "ten percent or more qualified voters residing outside of incorporated cities or towns within a rural county library district… requesting such dissolution…."

RCW 27.12.320 further states that a Rural Library District may be dissolved by a "majority vote of all of the qualified electors residing outside of incorporated cities and towns voting upon a proposition for its dissolution, at a general election…."

The Washington State Constitution, Article I, Section 19, guarantees that all elections be "free and equal," which has been interpreted by the Courts of the State as requiring that qualified voters who are "significantly affected by the results of an election be given an opportunity to

vote in that election." *Seattle v. State*, 103 Wn.2d 663, 673, 694 P.2d 641 (1985), *citing*, *Foster v. Sunnyside Vly. Irrig. Dist.*, 102 Wn.2d 395, 403-11, 687 P.2d 841 (1984).

Questions Presented

Q1. When a rural county library district has annexed a qualifying city or town, and when dissolution of the district is sought by a petition of the voters of the district, must the petition be signed by 10% of the voters in both the unincorporated county and the city or town annexed, or merely by 10% of the voters residing in the unincorporated areas of the County?

Q2. When a rural county library district has annexed a qualifying city or town, and when dissolution of the district is sought by a petition of the voters of the district, may the measure to dissolve as to the voters of the city or town be placed on the ballot by petition, or must the city or town legislative authority propose the measure in the same way as annexation pursuant to RCW 27.12.360?

Q3. Assuming that the answer to Q1 is "both" and the dissolution measure may be placed on the ballot by petition, when a rural county library district has annexed a qualifying city or town, and when dissolution of the district is sought by a petition of the voters of the district, is one petition sufficient to place a proposition for dissolution on the ballot, or must there be a separate petition for each of the unincorporated county and for the annexed city or town?

Q4. Assuming that the answer to Q1 is "both" and the dissolution measure may be placed on the ballot by petition, when a rural county library district has annexed a qualifying city or town, and when dissolution of the district is sought by a petition of the voters of the district, what proportion of the signatures on the petition must be from each of (a) the unincorporated county; and (b) the annexed city or town?

Q5. When a rural county library district has annexed a qualifying city or town, and when dissolution of the district is voted upon by a proposition, must the proposition be approved merely by a majority of the voters in the unincorporated county, or by a majority of both the unincorporated county and the annexed city? If both, must the proposition be approved by a majority of both the unincorporated county and a majority of the annexed city, or a majority of the total voters of both?

Q6. Assuming that a petition for a measure to dissolve a rural library district which has annexed a city need only be approved by 10% of the qualifying voters within the unincorporated areas of the county, and that a measure to dissolve that same district need only be approved by a majority of the qualifying voters within the unincorporated areas of the county, is RCW 27.12.320 unconstitutional as applied in the above-described case as disenfranchising the voters of the incorporated, annexed city who are significantly affected by the results of the election?

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Additional Considerations

In addition to the questions directly posed here, it would be helpful if you point out any other legal or constitutional considerations missed in my analysis of RCW 27.12.320 which may affect the legitimacy of an election on this issue.

Yours very truly,



C. Dale Slack
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Columbia County