



# KOEGEN EDWARDS LLP

ATTORNEYS AT LAW

## MEMORANDUM

TO: Washington School District Business Officials

FROM: Roy J. Koezen

DATE: September 29, 2006

RE: **Change in Election Law Procedures**

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In the 2006 regular legislative session, the Washington State legislature adopted revisions to the election requirements applicable to Washington school districts. These revisions, contained in Engrossed Senate Bill 6236 ("SB 6236"), impact the timing and procedures relating to school district elections. We have summarized the significant changes below.

### TIMING OF SPECIAL ELECTIONS

Under SB 6236, the date of primary elections has changed to the *third Tuesday of August preceding the general election date*. Accordingly, the corresponding special election date has also changed to the same date as the primary election.

All of the other special election dates previously established by statute *remain unchanged* by SB 6236 (the first Tuesday after the first Monday in February, the second Tuesday in March, the fourth Tuesday in April, the third Tuesday in May and the first Tuesday after the first Monday in November, the same date as the general election).

### TIME OF ADOPTION OF ELECTION RESOLUTION AND NOTICE TO COUNTY AUDITOR

Prior law required that the resolution calling the special election be delivered to the county auditor at least 45 days prior to such special election. This time frame has been extended under SB 6236. The amount of additional time now required varies, depending on the date of the proposed election.

***Special Elections held on General and Primary Election Dates.*** Resolutions calling for a special election on the same date as the general or primary elections must now be submitted to the county auditor at least 84 days prior to the election date.

***Special Elections held on other Special Election Dates.*** Resolutions calling for a special election on a date other than a general or primary election must now be submitted to the county auditor at least 52 days prior to the special election.

As a result of changing the filing deadlines, the deadline for filing for the general election is before the August primary. Therefore, a school district cannot have a measure on the ballot in the August primary and plan to submit the measure again in the November general election if it fails in August.

The 2007 election dates and dates by which the election resolution must be submitted to the county auditor are as follows:

<u>Election Date</u>	<u>Resolution to County Auditor</u>
February 6, 2007	December 15, 2006
March 13, 2007	January 19, 2007
April 24, 2007	March 2, 2007
May 15, 2007	March 23, 2007
August 21, 2007	May 29, 2007
November 6, 2007	August 14, 2007

### **EMERGENCY DECLARATIONS NO LONGER REQUIRED**

Under prior law, the county auditor was generally required to deem “an emergency to exist” as a condition to holding a special election. SB 6236 has eliminated this requirement.

### **OTHER CHANGES**

The law relating to election procedures has changed in a number of other respects, particularly in the conduct of primary elections. Changes to procedures that election officials are required to follow in the conduct and canvassing of elections are as follows:

- a. the county auditor is required to mail ballots to all overseas and service voters at least 30 days prior to any election, and any request for a ballot made by an overseas or service voter after that day must be processed immediately; and
- b. the time in which the county canvassing board is required to certify the results of a primary or special election has been extended from 10 days after such election to 15 days. The time for certifying the results of a general election remains unchanged at 21 days.

### **EFFECTIVE DATE OF ELECTION LAW CHANGES**

The provisions of the election law applicable to school elections are effective as of January 1, 2007.

We hope that this discussion is useful to you in planning your school district elections. If you would like to discuss these changes in the law or any other matter, we hope you will contact us.