

# Chapter 392-107 WAC

## EDUCATIONAL SERVICE DISTRICTS—ELECTION OF BOARD MEMBERS

(Formerly chapter 180-22 WAC)

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-107-100	Purpose and authority. [Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-107-100, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080. 02-18-052, § 180-22-100, filed 8/28/02, effective 9/28/02. Statutory Authority: 1990 c 33. 90-17-009, § 180-22-100, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.21.020. 84-21-001 (Order 9-84), § 180-22-100, filed 10/4/84.] Decodified by 06-19-033, filed 9/13/06, effective 9/13/06. Recodified as WAC 180-22-100.
392-107-140	Territorial organization of educational service districts. [Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-107-140, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080. 02-18-052, § 180-22-140, filed 8/28/02, effective 9/28/02. Statutory Authority: RCW 28A.21.020. 84-21-001 (Order 9-84), § 180-22-140, filed 10/4/84.] Decodified by 06-19-033, filed 9/13/06, effective 9/13/06. Recodified as WAC 180-22-140.
392-107-150	Educational service districts—Criteria for organization. [Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-107-150, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080. 02-18-052, § 180-22-150, filed 8/28/02, effective 9/28/02. Statutory Authority: RCW 28A.310.020. 98-05-003, § 180-22-150, filed 2/4/98, effective 3/7/98. Statutory Authority: RCW 28A.21.020. 84-21-001 (Order 9-84), § 180-22-150, filed 10/4/84; Order 4-77, § 180-22-150, filed 6/2/77; Order 3-69, § 180-22-150, filed 6/27/69; Emergency Order 1-69, filed 5/1/69.] Decodified by 06-19-033, filed 9/13/06, effective 9/13/06. Recodified as WAC 180-22-150.

**WAC 392-107-200 Purpose and authority.** (1) The purpose of this chapter is to establish the procedures for electing the members of the boards of directors of the educational service districts.

(2) The authority for this chapter is RCW 28A.310.080.

[Statutory Authority: RCW 28A.310.080. 07-17-182, § 392-107-200, filed 8/22/07, effective 9/22/07.]

**WAC 392-107-201 Election of educational service district board members.** (1) The procedures governing the election of members to the boards of directors of educational service districts are set forth under RCW 18A.310.080 through 28A.310.110 and WAC 392-107-205 through 392-107-225.

(8/22/07)

(2) Elections for members of boards of educational service districts shall be conducted biennially in odd-numbered years.

[Statutory Authority: RCW 28A.310.080. 07-17-182, § 392-107-201, filed 8/22/07, effective 9/22/07. Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-107-201, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080. 02-18-052, § 180-22-201, filed 8/28/02, effective 9/28/02.]

**WAC 392-107-205 Elector provisions.** (1) It shall be the responsibility of the educational service districts to assure that the superintendent of public instruction is provided current and correct information necessary to the conduct of the elections provided for in this chapter. Forms published by the superintendent of public instruction for the purpose of providing the following essential information shall be obtained, completed and submitted on a current basis:

(a) The name, legal residence, mailing address and board-member district number of persons serving on the educational service district board of directors; and

(b) The position numbers for which appointments have been made to fill unexpired terms.

(2) On August 21st of the year of election or, if such date is a Saturday, Sunday, or holiday, the state working day immediately preceding such date, the superintendent of public instruction shall certify a tentative list of electors consisting of all persons eligible to vote if the election were held on that date.

(3) The list of eligible voters shall remain open for changes and deletions until 5:00 p.m. September 26th or, in the event such date is a Saturday, Sunday, or holiday, until 5:00 p.m. the working day immediately following such date. The superintendent of public instruction as soon thereafter as is practical shall certify the list of electors.

[Statutory Authority: RCW 28A.310.080. 07-17-182, § 392-107-205, filed 8/22/07, effective 9/22/07. Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-107-205, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080. 02-18-052, § 180-22-205, filed 8/28/02, effective 9/28/02.]

**WAC 392-107-210 Publicity and call of election.** (1) The superintendent of public instruction shall biennially provide reasonable public information concerning the election of educational service district board members through press and publication releases beginning in May of the year the elections are to be called.

(2) Call of election. See RCW 28A.310.080.

[Statutory Authority: RCW 28A.310.080. 07-17-182, § 392-107-210, filed 8/22/07, effective 9/22/07. Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-107-210, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080. 02-18-052, § 180-22-210, filed 8/28/02, effective 9/28/02.]

**WAC 392-107-215 Candidate qualifications—Forms—Filing—Withdrawal of candidacy.** (1) Eligibility. A person is eligible to be a candidate for membership on an educational service district board if he or she is a registered voter and a resident of the board-member district for which the candidate files. Restriction on other service pursuant to RCW 28A.310.070.

(2) Declaration and affidavit of candidacy. A person who desires to file for candidacy shall complete and file with the state board of education a declaration and affidavit of candidacy form as a condition to having his or her name placed on the official ballot. The form is available through the state board of education office in Olympia or through the local educational service district office.

(3) Optional biographical form. A person who desires to file for candidacy has the option of completing and filing with the state board of education, for inclusion with balloting information, a biographical form not to exceed two pages. The form is available through the state board of education office in Olympia or through the local educational service district office.

(4) Filing period. The filing period is set forth under RCW 28A.310.080. The filing period for candidates for any position on an educational service district board is from September 1st through September 16th. Any declaration and affidavit of candidacy that is postmarked on or before midnight September 16th and received by mail prior to the printing of ballots shall be accepted. Any declaration and affidavit of candidacy that is received by United States mail on or before 5:00 p.m. September 21st and is not postmarked or legibly postmarked shall be accepted.

(5) Any candidate may withdraw his or her declaration and affidavit of candidacy by delivering a written, signed and notarized statement of withdrawal to the secretary to the state board of education on or before 5:00 p.m. September 21st. A candidate's failure to withdraw as prescribed above shall result in the inclusion of the candidate's name on the appropriate election ballot.

[Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-107-215, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080, 02-18-052, § 180-22-215, filed 8/28/02, effective 9/28/02.]

**WAC 392-107-220 Balloting.** (1) Ballots shall be prepared by the superintendent of public instruction. The ballot for each position subject to election shall contain the name of each candidate eligible for the particular position. There shall be a separate listing of the candidates for each board-member district open in the particular educational service district. A board-member district position shall be stricken from the ballot if no candidate files for the position within the timelines specified in RCW 28A.310.080 and WAC 180-22-215.

(2)(a) The superintendent of public instruction shall develop voting instructions which shall accompany the ballots. Biographical forms submitted under WAC 180-22-215(3) shall also accompany the ballots.

(b) On or before October 1st, ballots shall be mailed to voters with two envelopes to be used for voting.

(i) The outer, larger envelope (i.e., official ballot envelope) shall be labeled "official ballot"; be preaddressed with the "superintendent of public instruction" as addressee; and have provision for the identification of the voter, mailing

address, his or her school district, and his or her educational service district.

(ii) The inner, smaller envelope shall be unlabeled and unmarked.

(3) Marking of ballots. Each member of a public school district board of directors may vote for one of the candidates in each board-member district named on his or her ballot by placing an "X" or other mark in the space provided next to the name of a candidate.

(4) Return of ballots. Each member of a public school district board of directors shall complete voting by placing his or her marked official ballot in the smaller, unmarked envelope and sealing the same; placing the smaller envelope containing the ballot in the larger preaddressed envelope marked "official ballot" and sealing the same; if not already designated, completing the following information on the face of the official ballot envelope: Name, mailing address, identification of school district and educational service district; and placing the official ballot envelope in the United States mail to the secretary to the state board of education.

[Statutory Authority: RCW 28A.310.080, 07-17-182, § 392-107-220, filed 8/22/07, effective 9/22/07. Statutory Authority: 2006 c 263, 06-14-009, recodified as § 392-107-220, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080, 02-18-052, § 180-22-220, filed 8/28/02, effective 9/28/02.]

**WAC 392-107-225 Counting—Ineligible votes—Recount—Certification of election—Special election.**

(1)(a) As official ballot envelopes are received by the superintendent of public instruction, a preliminary determination shall be made as to the eligibility of the voter and a record shall be made on the list of eligible voters that the voter has voted.

(b) Official ballot envelopes not submitted in compliance with this chapter and other envelopes containing ballots shall be set aside for a final review and acceptance or rejection by the election board.

(2)(a) The election board shall convene for the purpose of counting votes on October 25th or, if such date is a Saturday, Sunday, or holiday, the state working day immediately preceding **or following** such date at a date, time and place designated by the superintendent of public instruction.

(b) Official ballot envelopes that are accepted by the election board shall be opened and the inner envelopes containing ballots shall be removed and placed aside, still sealed. The inner envelopes shall then be opened and the votes counted by the election board.

(c) No record shall be made or maintained of the candidate for which any voter cast his or her vote.

(3) Ineligible votes. The following ballots and votes shall be declared void and shall not be accepted:

(a) Votes for write-in candidates.

(b) Votes cast on other than an official ballot.

(c) Ballots which contain a vote for more than one candidate in a board-member district.

(d) Ballots contained in other than the official ballot envelope.

(e) Ballots contained in the official ballot envelope upon which the voter's name is not designated.

(f) Ballots received after 5:00 p.m. October 16th. However, any ballot that is postmarked on or before midnight

October 16th and received prior to the initial counting of votes by the election board shall be accepted. Any ballot received pursuant to the United States mail on or before 5:00 p.m. on October 21st that is not postmarked or legibly post-marked shall be accepted.

(g) Such other ballots or votes as the election board shall determine to be unidentifiable or unlawful.

(4)(a) Recounts. Automatic. A recount of votes cast shall be automatic if the electoral vote difference between any two candidates for the same position is one vote or less than one percent of electoral votes on a single ballot cast for the position, whichever is greater.

(b) Recounts. Upon request. A recount of votes cast shall be afforded any candidate as a matter of right. The request shall be made in writing and received by the superintendent of public instruction within seven calendar days after the date upon which the votes were counted by the election board.

(5) Certification of election. Within ten calendar days after the date upon which the votes were counted, and no sooner than eight calendar days after the votes are counted by the election board, the superintendent of public instruction shall officially certify to the county auditor of the headquarters county of the educational service district the name or names of candidates elected to membership on the educational service district board of directors.

(6) Special election. See RCW 28A.310.100.

[Statutory Authority: RCW 28A.310.080. 07-17-182, § 392-107-225, filed 8/22/07, effective 9/22/07. Statutory Authority: 2006 c 263. 06-14-009, recodified as § 392-107-225, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080. 02-18-052, § 180-22-225, filed 8/28/02, effective 9/28/02.]