

CHAPTER 38

[House Bill No. 186]

STATE BOARD OF EDUCATION—PRIVATE SCHOOL MEMBER, ELECTION

AN ACT Relating to the state board of education; amending section 28A.04.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.020; amending section 28A.04.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.050; amending section 28A.04.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 179, Laws of 1980 and RCW 28A.04.060; creating new sections; repealing section 2, chapter 179, Laws of 1980 and RCW 28A.04.025; and repealing section 3, chapter 179, Laws of 1980 and RCW 28A.04.063.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 28A.04.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.020 are each amended to read as follows:

Not later than the twenty-fifth day of August of each year, the superintendent of public instruction shall call for the following elections to be held: An election ((to be held)) in each congressional district within which resides a member of the state board of education whose term of membership will end on the second Monday of January next following, ((and shall give)) and an election of the nonvoting member of the state board of education if the term of membership will end on the second Monday of January next following. The superintendent of public instruction shall give written notice thereof to each member of the board of directors of each common school district in such congressional district, and to the chairperson of the board of directors of each private school who shall distribute said notice to each member of the private school board. Such notice shall include ((instructions;)) the election calendar and rules and regulations established by the superintendent of public instruction for the conduct of the election.

Sec. 2. Section 28A.04.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.050 are each amended to read as follows:

Each member of the board of directors of each school district in each congressional district shall be eligible to vote for the candidates who reside in his congressional district. Each chairperson of the board of directors of each eligible private school shall cast a vote for the candidate receiving a majority in an election to be held as follows: Each member of the board of directors of each eligible private school shall vote for candidates representing the private schools in an election of the board, the purpose of which is to determine the board's candidate for the nonvoting member of the state board. Not later than the first day of October the superintendent of public instruction shall mail to each member of each common school district board of directors and to each chairperson of the board of directors of each private school, the proper ballot and voting instructions for his congressional district together with biographical data concerning each candidate listed on such ballot, which data shall have been prepared by the candidate.

Sec. 3. Section 28A.04.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 179, Laws of 1980 and RCW 28A.04.060 are each amended to read as follows:

Each member of the state board of education shall be elected by a majority of the electoral points accruing from all the votes cast at the election for all candidates for the position. All votes shall be cast by mail addressed to the superintendent of public instruction and no votes shall be accepted for counting if postmarked after the sixteenth day of October, or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of October following the call of the election. The superintendent of public instruction and an election board comprised of three persons appointed by the state board of education shall count and tally the votes and the electoral points accruing therefrom not later than the twenty-fifth day of October. The votes shall be counted and tallied and electoral points determined in the following manner for the ballot cast by common school district board directors: Each vote cast by a school director shall be accorded as many electoral points as there are enrolled students in that director's school district as determined by the enrollment reports forwarded to the state superintendent of public instruction for apportionment purposes for the month of September of the year of election: **PROVIDED,** That school directors from a school district which has more than five directors shall have their electoral points based upon enrollment recomputed by multiplying such number by a fraction, the denominator of which shall be the number of directors in such district, and the numerator of which shall be five; the electoral points shall then be tallied for each candidate as the votes are counted; and it shall be the majority of electoral points which determines the winning candidate. The votes shall be counted and electoral points determined in the following manner for the ballots cast by chairpersons of the board of directors of each private school: Each vote cast by a private school board shall be accorded as many electoral points as the number of enrolled students in the respective school as determined by enrollment reports forwarded to the superintendent of public instruction for the month of September in the year previous to the year of election and it shall be the majority of electoral points which determines the winning candidate. If no candidate receives a majority of the electoral points cast, then, not later than the first day of November, the superintendent of public instruction shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of electoral points accruing from such votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of November, or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of November and the votes shall be counted as hereinabove provided on the twenty-fifth day of November. The candidate receiving a majority of electoral points accruing

from the votes at any such second election shall be declared elected. In the event of a tie in such second election, the candidate elected shall be determined by a chance drawing of a nature established by the superintendent of public instruction. Within ten days following the count of votes in an election at which a member of the state board of education is elected, the superintendent of public instruction shall certify to the secretary of state the name or names of the persons elected to be members of the state board of education.

NEW SECTION. Sec. 4. The following acts or parts thereof are each hereby repealed:

- (1) Section 2, chapter 179, Laws of 1980 and RCW 28A.04.025; and
- (2) Section 3, chapter 179, Laws of 1980 and RCW 28A.04.063.

NEW SECTION. Sec. 5. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House February 13, 1981.

Passed the Senate April 11, 1981.

Approved by the Governor April 22, 1981.

Filed in Office of Secretary of State April 22, 1981.

CHAPTER 39

[House Bill No. 191]

LOCAL GOVERNMENTS—TRANSFER OF MONEYS BETWEEN FUNDS

AN ACT Relating to the transfer of moneys between funds of a unit of local government; and adding a new section to chapter 39.58 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 39.58 RCW a new section to read as follows:

Except as otherwise provided by law, amounts charged by a county, city, or other municipal or quasi municipal corporation for providing services or furnishing materials to or for another fund within the same county, city, or other municipal or quasi municipal corporation pursuant to RCW 43.09.210 or other law shall be repaid and credited to the fund or appropriation against which the expenditure originally was charged. Amounts representing a return of expenditures from an appropriation shall be considered as returned loans of services or goods, supplies, or other materials furnished and may be expended as part of the original appropriation to which they belong, without further or additional appropriation.