

See

Notes

1/9/99

See note in
blue book

TRANSMITTAL OF RULES ADOPTED BY INSTITUTION OF HIGHER EDUCATION
(Instruction for Completion on Back of Page)

FROM: Big Bend Community College, District No. 18
(Name of Institution)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98504

The enclosed Permanent rules
Emergency rules , being order No. 73-12

relating to (Name of rules or description of subject matter)

WAC 132R-16 Regulations on Elections

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 4172 ① filed with the code reviser
on July 24, 1973 ② were regularly adopted as permanent rules of this
(date)
institution at Big Bend Community College on 9-4-73 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter
28B.19 RCW (1971 1st ex.s. c 57). The effective date of such rules
shall be _____ . ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules is necessary for the preservation of the public
health, safety, or general welfare and that observance of the
requirements of notice and opportunity to present views on the
proposed action would be contrary to the public interest, were
regularly adopted as emergency rules of this institution at
_____ on _____ and are herewith filed in the office
(place) (date)
of the code reviser pursuant to chapter 28B.19 RCW (1971 1st ex.s.
c 57).

The undersigned hereby certifies that the requirements of chapter
28B.19 RCW (1971 1st ex.s. ch 57) and of the Open Public Meetings
Act of 1971, chapter 42.30 RCW (1971 1st ex.s. ch 250) have been
fulfilled.

Dated this _____ 10th day of September 19 73

STATE OF WASHINGTON
FILED
SEP 11 1973
CODE REVISER'S OFFICE
DOCKET # 5186 FILE # _____

Big Bend Community College
(INSTITUTION)
Robert Wallenstien
By Robert J. Wallenstien
President

Title _____

Effective 9/7/71

[Form CR-5]

- ① Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice)
- ② Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice)
- ③ Unless a later date is specified in this order or is prescribed in another statute, rules are effective 30 days after filing: RCW 28B.19.050(2) (1971 1st ex.s. c 57 §5 (2)). Leave this space blank except in such special cases.

BOARD OF TRUSTEES

COMMUNITY COLLEGE DISTRICT NO. 18

RESOLUTION NO. 73-12

WHEREAS, pursuant to the powers vested in us by RCW 28B.50.140, and because of the requirements of RCW 28B.19, we, the Board of Trustees for Washington State Community College District No. 18 do hereby find that the preservation of the general welfare of Big Bend Community College requires an adoption of rules and regulations governing the conduct of the same Community College.

NOW, THEREFORE, BE IT RESOLVED that the following rules and regulations are hereby adopted as rules and regulations of Big Bend Community College:

WAC 132R-16

Regulations on Elections

ADOPTED at a regular meeting of the Board of Trustees of Community College District No. 18, State of Washington, on September 4, 1973, with a quorum of such Board members duly present after notice of such meeting had been duly given.

BOARD OF TRUSTEES OF COMMUNITY
COLLEGE DISTRICT NO. 18

By: 

Chairman, Board of Trustees

ATTEST:

Secretary 

ELECTIONS

WASHINGTON STATE COMMUNITY COLLEGE DISTRICT NO. 18

Big Bend Community College

WAC 132R-16

NEW

WAC 132R-16-010 PURPOSE. Pursuant to Chapter 28B.52 RCW, as amended, Laws of 1973 1st Ex. Sess. Ch. 205, the board of trustees of Community College District No. 18 establishes the following rules to strengthen methods of administering employer-employee relations through the establishment of orderly methods of communication between certificated employees of Big Bend Community College and the board of trustees of Community College District No. 18.

NEW

WAC 132R-16-020 REQUEST FOR ELECTION-CANVASS OF CERTIFICATED EMPLOYEES BY INDEPENDENT AND NEUTRAL PERSON OR ASSOCIATION. Any organization of certificated employees of Community College District No. 18 desiring to be recognized as the majority organization representing such employees pursuant to Chapter 28B.52 RCW, as amended, Laws of 1973 1st Ex. Sess. Ch. 205, shall request in writing of the board of trustees of Community College District No. 18 that an election be held to determine whether a majority of such employees desire to designate it as their representative for the purposes of the Act. Upon the receipt of such a request and within 15 days of said receipt following the next regular meeting of the Board of Trustees, the board of trustees of Community College District No. 18 will request some independent and neutral person or association to determine whether thirty per cent or more of the certificated employees of Community College District No. 18 have indicated that they desire to be represented by that organization for such purposes. The independent and neutral person or association shall make such determination upon the basis of records of dues, paying memberships, signed authorizations to represent, or other reliable and probative evidence, within 15 days of the receipt of such a charge.

NEW

WAC 132R-16-030 NOTICE OF ELECTION - ORGANIZATIONS TO BE INCLUDED ON BALLOT - TIME FOR FILING. If the independent and neutral person or association determines that thirty per cent or more of the certificated employees of Community College District No. 18 have indicated that they desire to be represented by that organization for such purposes, the board of trustees of Community College District No. 18 will publish a notice that it will hold an election as soon as practical to determine whether the certificated employees of Community College District No. 18 desire the requesting organization or any other organization to represent them for the purpose of Chapter 28B.52 RCW, as amended, Laws of 1973 1st Ex. Sess. Ch. 205. Any other organization of certificated employees desiring to be designated as the majority organization representing such employees shall, within fifteen days after publication of such notice by the board of trustees of Community College District No. 18, file with the board of trustees a request in writing that its name be included on the ballot in the election to be held. No organization shall be permitted to have its name placed on the ballot used in the election unless such a request has been received within fifteen days after the publication of the notice that an election will be held.

NEW

WAC 132R-16-040 CONTENTS OF NOTICE OF ELECTION - DESIGNATION OF CHIEF ELECTION OFFICER - DUTIES. The notice published by the board of trustees of Community College District No. 18, pursuant to WAC 132R-16-030, shall state the date, hours, and polling places for the election. The notice shall also designate a chief election officer of the election, who is mutually acceptable to all contesting parties and organizations, and charge him with the duty of preparing the ballots and promulgating instructions concerning the details of the election to be conducted pursuant to these rules.

NEW

WAC 132R-16-050 LIST OF CERTIFICATED EMPLOYEES - POSTING OF LIST. In any election conducted pursuant to these rules, lists of certificated employees eligible to vote shall be prepared by the board of trustees listing certificated employees by voting places. Such lists shall be posted at least 24 hours before the election. Such lists shall be for informational purposes and shall not be conclusive as to the right of a certificated employee to vote in the election.

NEW

WAC 132R-16-060 ELECTION INSPECTORS - DUTIES - RIGHT TO CHALLENGE VOTER - IMPROPER CONDUCT. The election officer shall designate at least one inspector for each polling place to observe the conduct of the election. Any organization whose name shall appear on the ballot in the election shall also be entitled to have one inspector present at each polling place to observe the conduct of the election. Each organization shall also be entitled to have an inspector present at the college district office for the counting of the ballots cast. Such inspectors must refrain from electioneering during the election. They may challenge the eligibility of any person to vote in the election, and, upon such challenge, the ballot of that person shall be treated as provided in these rules. Inspectors shall also report in writing to the chief election officer any conduct which they observe in the course of balloting which they believe may have improperly affected the result of the voting at the polling place at which they serve as observers.

NEW

WAC 132R-16-070 BALLOTS. The ballots used in any election held pursuant to this part shall be in the following form:

 * To select for Representation Purposes Pursuant to Chapter *
 * 28B.52 RCW, as amended, Laws of 1973 1st Ex. Sess. Ch. 205 *
 * a Majority Organization to Represent Certificated Employees of *
 * Community College District No. 18. *
 * Vote for one *
 * ORGANIZATION X () *
 * ORGANIZATION Y () *
 * NO ORGANIZATION () *
 * Do not sign your name or put other identifying marks on this ballot. *

NEW

WAC 132R-16-080 RECORD OF VOTE - SIGNATURE - CHALLENGE.

At the time of the election the name of each employee voting shall be recorded by his signature written beside his name on the voting list for the polling place at which he votes. Each certificated employee may cast only one ballot in any election held pursuant to these rules, and the presence of a signature beside the name of an employee desiring to vote shall automatically constitute grounds for challenge to his right to cast a ballot in an election.

NEW

WAC 132R-16-090 INCORRECTLY MARKED BALLOT. Any voter who

incorrectly marks his ballot may obtain a new ballot by returning the incorrectly marked ballot to the chief election officer's inspector. Such incorrectly marked ballot shall be marked void in the presence of the inspectors of organizations participating in the election before the new ballot is delivered to the voter.

NEW

WAC 132R-16-100 PRIVACY FOR VOTER - EQUIPMENT. Voters shall

be provided with tables or desks so arranged that a voter may mark his ballot without making it possible for other persons to observe the manner in which he has marked it.

NEW

WAC 132R-16-110 FOLDING BALLOT - BALLOT BOX. Each voter

shall fold his ballot so that the manner in which he has marked it cannot be observed and shall then place it in the locked ballot box provided at the designated voting place.

NEW

WAC 132R-16-120 CHALLENGED BALLOT - PROCEDURE. A challenged ballot shall be placed in an envelope bearing no identifying marks. It shall then be placed in another envelope upon which shall be written the name of the employee desiring to cast the ballot, the reasons for which the ballot was challenged, by whom it was challenged, and the polling place at which it was challenged, and the envelope shall be sealed and initialed by the election inspectors.

NEW

WAC 132R-16-130 EMPLOYEES PRESENT ENTITLED TO VOTE - SEALING BALLOT BOX - UNUSED BALLOTS. At the time for closing the polls, all employees present and waiting at the polling place shall be entitled to vote. The ballot box shall then be sealed. All unused ballots shall then be counted in the presence of election inspectors.

NEW

WAC 132R-16-140 ELECTION INSPECTORS DUTIES AFTER VOTING HAS TERMINATED. When all voting has terminated at a polling place, the election inspectors will bring to the chief election officer at the community college district office the following: 1) signed voting list of eligible certificated employees, 2) all unused ballots, 3) all challenged ballots, and 4) the sealed ballot box containing all ballots cast.

NEW

WAC 132R-16-150 DISPOSITION OF CHALLENGED BALLOTS - TALLY SHEETS - INVESTIGATION BY CHIEF ELECTION OFFICER. The challenged ballots previously placed in separate envelopes shall be placed in a sealed envelope marked "challenged ballots" and sent along with the tally sheet to the chief election officer. The challenged ballots shall not be opened or counted unless the counting of such ballots might affect the results of the election. If the challenged ballots might affect the results of the election, the chief election officer shall conduct an investigation into, or if necessary a formal hearing on, the validity of the challenges made. If he concludes that the challenge was properly made, that ballot shall be excluded from the count. Otherwise, such ballot shall be counted as cast.

NEW

WAC 132R-16-160 COUNTING OF BALLOTS - PROCEDURE - CERTIFICATION OF RESULTS OF ELECTION - RETENTION OF BALLOTS - SIGNED VOTING LISTS. When ballot boxes from all voting places have been received by the chief election officer's inspector, he shall open them and thoroughly mix all ballots cast so that it is impossible to identify the polling place from which any particular ballot came. The ballots cast shall be separated into the categories as they have been cast for organizations participating in the election, for no organization, and void ballots which are unintelligible or for an organization not participating in the election. The ballots in these categories shall be counted by the chief election officer with the assistance of such of his election inspectors as shall be necessary in the presence of the

inspectors for the organizations participating in the election. After the ballots have been so counted the inspector designated by the organizations to serve at the community college district office shall indicate by his signature upon the tally sheet that he agrees with the count made, or in case of disagreement, he shall write a short statement of his grounds for disagreement with the count. The chief election officer shall certify to the board of trustees the results of the election within forty-eight hours after the polls have been closed. The used ballots, the unused ballots, the challenged ballots, and the signed voting lists of eligible certificated employees shall be kept by the chief election officer or some person designated by him for one year after the election.

NEW

WAC 132R-16-170 ELECTIONEERING WITHIN THE POLLS FORBIDDEN. No election signs, banners, or buttons shall be permitted in the room in which the balloting takes place, nor shall any person in that room discuss the advantages or disadvantages of representation by an organization whether on the ballot or otherwise, nor shall any person in that room engage in any other form of electioneering.

NEW

WAC 132R-16-180 CONTEST OF ELECTION - TIME FOR FILING OBJECTIONS - INVESTIGATION OF OBJECTIONS. Any organization, the name of which appears on the ballot, or any certificated employee may within five days after the certification of the results of an election under the provisions of this part, file objections to the conduct of the election with the chief election officer designated by the board of trustees pursuant to WAC 132R-16-040 of this part. The election officer shall investigate such objections and, if necessary, hold formal hearings thereon. He shall report thereon to the board of trustees. If the board of trustees shall conclude that the conduct objected to may have improperly affected the results of the election, it shall order a new election. Otherwise, it shall overrule the objections and the results of the election shall be considered final. Objections to the conduct of the election which are not filed in accordance with the provisions of this section shall be waived and of no effect.

NEW

WAC 132R-16-190 PERSONS ELIGIBLE TO VOTE - DEFINITION "CERTIFICATED EMPLOYEE". An employee of Community College District No. 18 will be determined eligible to vote in the election as designated in Laws of 1973 1st Ex. Sess. Ch. 205, paragraph 1, amending, RCW 28B.52.020. For the purposes of this part, the term "certificated employee" means any person currently employed by Community College District No. 18 as a teacher, counselor, librarian or administrator except for the president of the community college, and except that administrators are eligible to vote in an election to determine the representative of academic employees only if the provisions of Laws of 1973 1st Ex. Sess. Ch. 205, Section 1, amending, RCW 28B.52.020 have been satisfied.

NEW

WAC 132R-16-200 ELECTION DETERMINED BY MAJORITY OF VALID VOTES CAST - RUN-OFF ELECTION. An organization of certificated employees which receives a majority of the valid votes cast in an election held in accordance with the rules of this part shall be recognized as representing the certificated employees of Community College District No. 18 pursuant to Ch. 28B.52 RCW, as amended, Laws of 1973 1st Ex. Sess., Ch. 205. If more than one organization of certificated employees has participated in an election and a majority of the valid votes cast has not been either for representation by one of the organizations or for no representation, a run-off election shall be held. In such a run-off, only those two choices receiving the highest number of valid votes cast in the initial election shall appear on the ballot.

NEW

WAC 132R-16-210 TIME LAPSE FOR NEW ELECTION. If no organization of certificated employees is selected as representative in an election held pursuant to these rules, another election shall not be held until the lapse of one year from the date of the certification of the results of the earlier election. If an organization of certificated employees is selected as bargaining representative in an election held pursuant to these rules, another election shall not be held until the lapse of one year from the date of the certification of the results of the earlier election.

CHIEF P. L. CHARETTE
1973
SYMOND W. HAMAN
1973
CHARLES O. WHITE
1973

State of Washington
STATUTE LAW COMMITTEE

LEGISLATIVE BUILDING
OLYMPIA, WASHINGTON 98504



January 9, 1973

Robert J. Wallenstien
President
Big Bend Community College

Dear Sir:

This letter is in reference to our telephone conversation January 8th concerning Order 73-10, filed 6/18/73; Order 73-12, filed 9/11/73 and chapter 132R-16 dated Supp.#6 (9/1/70) in the Washington Administrative Code.

Order 73-12 sets forth sections WAC 132R-16-010 through WAC 132R-16-210 relating to elections' regulations where the already existing chapter 132R-16 related to tenure. Since the subject matter in this order is in conflict with existing rules, Order 73-12 rules are hereby officially changed to chapter 132R-17 entitled "Elections".

Also, please note that a part of Order 73-10, designated as chapter 132R-128, filed 6/18/73 in relation to tenure may be in conflict with chapter 132R-16 (Supp.#6 of WAC by Order 70-8, filed 6/8/70 entitled "Tenure"). This is for your information inasmuch as in this instance although the subject matter of the two relate the determination to amend or repeal one or the other is your decision.

The above changes in codification will be codified in Supplement #12. Although this information will be relayed by phone to you this will be your only written notification of change.

Very truly yours,

Loma L. Barmore
Admin. Code Secretary