

**Chapter 392-109 WAC**  
**STATE BOARD OF EDUCATION—ELECTION OF MEMBERS**

Last Update: 7/18/17

**WAC**

392-109-037 Purpose and authority.  
392-109-040 Composition.  
392-109-043 Election officer.  
392-109-045 Definitions.  
392-109-047 Annual elections.  
392-109-048 Election timeline.  
392-109-050 Elector information.  
392-109-060 Call of election.  
392-109-065 Candidates—Eligibility—Filing.  
392-109-070 Declaration of candidacy form.  
392-109-075 Optional candidate statement.  
392-109-077 Withdrawal of candidacy.  
392-109-080 Ballots—Contents.  
392-109-085 Ballots and envelopes—Mailing to electors.  
392-109-090 Voting—Marking and return of ballots.  
392-109-095 Election counting boards—Appointment and composition.  
392-109-100 Receipt of ballots and count of votes.  
392-109-105 Ineligible votes.  
392-109-111 Run-off election.  
392-109-112 Dispute resolution.  
392-109-115 Report and certification of election.  
392-109-120 Vacancies and appointments.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

392-109-005 Purpose. [Order 7-75, § 392-109-005, filed 12/22/75. Formerly WAC 392-99-010.] Repealed by WSR 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.

392-109-006 Eligibility—Declaration of candidacy. [Statutory Authority: RCW 28A.04.020. WSR 78-08-033 (Order 2-78), § 392-109-006, filed 7/18/78.] Repealed by WSR 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.

392-109-010 Biographical data—Limitation. [Statutory Authority: RCW 28A.04.020. WSR 78-08-033 (Order 2-78), § 392-109-010, filed 7/18/78; Order 7-75, § 392-109-010, filed 12/22/75. Formerly WAC 392-99-020.] Repealed by WSR 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.

392-109-015 Composition of election board. [Order 7-75, § 392-109-015, filed 12/22/75. Formerly WAC 392-99-030.] Repealed by WSR 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.

392-109-020 Postage. [Order 7-75, § 392-109-020, filed 12/22/75. Formerly WAC 392-99-040.] Repealed by WSR 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.

392-109-025 Publicity. [Order 7-75, § 392-109-025, filed 12/22/75. Formerly WAC 392-99-050.] Repealed by WSR 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.

392-109-026 Voting. [Statutory Authority: RCW 28A.04.020. WSR 78-08-033 (Order 2-78), § 392-109-026, filed 7/18/78, 7/21/78.] Repealed by WSR 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.

392-109-030 Recount of votes cast—Automatic—By request—Certification. [Order 7-75, § 392-109-030, filed 12/22/75. Formerly WAC 392-99-060.] Repealed by WSR 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.

392-109-035 Rotation of names on ballot. [Order 7-75, § 392-109-035, filed 12/22/75. Formerly WAC 392-99-070.] Repealed by WSR 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.

392-109-055 Publicity. [Statutory Authority: RCW 28A.04.020. WSR 81-17-005 (Order 81-10), § 392-109-055, filed 8/7/81; WSR 80-07-038 (Order 80-20), § 392-109-055, filed 6/17/80.] Repealed by WSR 05-22-007, filed 10/20/05, effective 11/20/05. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497.

392-109-058 Tentative certification of electors. [Statutory Authority: RCW 28A.305.020. WSR 96-08-001 (Order 96-05), § 392-109-058, filed 3/21/96, effective 4/21/96. Statutory Authority: RCW 28A.04.020. WSR 84-11-038 (Order 84-8), § 392-109-058, filed 5/15/84.] Repealed by WSR 05-22-007, filed 10/20/05, effective 11/20/05. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497.

392-109-072 Candidates for new congressional district positions—First elections—Term of office. [Statutory Authority: RCW 28A.305.020. WSR 96-08-001 (Order 96-05), § 392-109-072, filed 3/21/96, effective 4/21/96. Statutory Authority: 1990 c 33. WSR 90-16-002 (Order 18), § 392-109-072, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.04.020. WSR 82-16-037 (Order 82-7), § 392-109-072, filed 7/28/82.] Repealed by WSR 05-22-007, filed 10/20/05, effective 11/20/05. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497.

392-109-078 Certificate of electors. [Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-078, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.04.020. WSR 84-11-038 (Order 84-8), § 392-109-078, filed 5/15/84.] Repealed by WSR 17-15-101, filed 7/18/17, effective 8/18/17. Statutory Authority: RCW 28A.305.021.

392-109-110 Recount of votes cast—Automatic—By request. [Statutory Authority: RCW 28A.04.020. WSR 84-11-038 (Order 84-8), § 392-109-110, filed 5/15/84; WSR 80-07-038 (Order 80-20), § 392-109-110, filed 6/17/80.] Repealed by WSR 05-22-007, filed 10/20/05, effective 11/20/05. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497.

392-109-117 Publishing of names. [Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-117, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.04.020. WSR 90-04-043 (Order 90-01), § 392-109-117, filed 1/31/90, effective 3/3/90; WSR 81-17-005 (Order 81-10), § 392-109-117, filed 8/7/81.] Repealed by WSR 17-15-101, filed 7/18/17, effective 8/18/17. Statutory Authority: RCW 28A.305.021.

**WAC 392-109-037 Purpose and authority.** (1) The purpose of this chapter is to provide for the annual election of members to the state board of education by establishing policies and procedures which implement the statutory election process for such positions.

(2) Authority for this chapter is RCW 28A.305.021 which authorizes the superintendent of public instruction to adopt rules and procedures for the conduct of election of members to the state board of education.

[Statutory Authority: RCW 28A.305.021. WSR 17-15-101, § 392-109-037, filed 7/18/17, effective 8/18/17. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-037, filed 10/20/05, effective 11/20/05. Statutory Authority: 1990 c 33. WSR 90-16-002 (Order 18), § 392-109-037, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.04.020. WSR 84-11-038 (Order 84-8), § 392-109-037, filed 5/15/84.]

**WAC 392-109-040 Composition.** The state board of education consists of sixteen members: Seven members appointed by the governor; five members, including two from eastern Washington and three from western Washington, elected by the members of public school boards of directors; one member elected by approved private school boards of directors; the superintendent of public instruction; and two student representatives selected by the state board of education.

[Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-040, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. WSR 96-08-001 (Order 96-05), § 392-109-040, filed 3/21/96, effective 4/21/96. Statutory Authority: RCW 28A.04.020. WSR 84-11-038 (Order 84-8), § 392-109-040, filed 5/15/84; WSR 82-16-037 (Order 82-7), § 392-109-040, filed 7/28/82; WSR 80-07-038 (Order 80-20), § 392-109-040, filed 6/17/80.]

**WAC 392-109-043 Election officer.** In accordance with RCW 28A.305.021, the superintendent of public instruction or his or her designee serves as the election officer for the coordination and conduct of the election of members to the state board of education.

[Statutory Authority: RCW 28A.305.021. WSR 17-15-101, § 392-109-043, filed 7/18/17, effective 8/18/17. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-043, filed 10/20/05, effective 11/20/05. Statutory Authority: 1990 c 33. WSR 90-16-002 (Order 18), § 392-109-043, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.04.020. WSR 84-11-038 (Order 84-8), § 392-109-043, filed 5/15/84.]

**WAC 392-109-045 Definitions.** As used in this chapter the term:  
(1) "Board of directors" means:

(a) The statutory, multimember board of directors of a public school district; or

(b) The person or multimember body recognized by an approved private school as having the final authority for policy decisions which govern the operation of the private school.

(2) "Elector" means:

(a) Each individual member of a public school board of directors; or

(b) An approved private school board of directors as a whole.

(3) "Approved private school" means a school which is approved by the state board of education pursuant to chapter 180-90 WAC, as now or hereafter amended, as being in compliance with statutory standards.

(4) "Eastern Washington region" means the region comprised of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima counties.

(5) "Western Washington region" means the region comprised of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom counties.

(6) "Weighted vote" means the total number of electoral votes assigned to an elector.

(a) Public schools: Each elector shall be entitled to a number of electoral votes equal to:

<b>School District Student Enrollment</b>	<b>Each Elector Receives</b>
1 - 1,000	1 vote
1,001 - 2,000	2 votes
2,001 - 3,000	3 votes
3,001 - 4,000	4 votes
4,001 - 5,000	5 votes
5,001 - 6,000	6 votes
6,001 - 7,000	7 votes
7,001 - 8,000	8 votes
8,001 - 9,000	9 votes
9,001 - 10,000	10 votes
10,001 - 15,000	11 votes
15,001 - 20,000	12 votes
20,001 - 25,000	13 votes
25,001 - 30,000	14 votes
30,001 - 35,000	15 votes
35,001 - 40,000	16 votes
40,001 - or greater	17 votes

(b) Approved private schools: Each approved private school shall be entitled to a number of electoral votes equal to the actual number of students enrolled.

(7) "Student enrollment" means the number of students enrolled during October of the preceding school year as reported to the superintendent of public instruction.

[Statutory Authority: RCW 28A.305.021. WSR 17-15-101, § 392-109-045, filed 7/18/17, effective 8/18/17. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-045, filed 10/20/05, ef-

fective 11/20/05. Statutory Authority: RCW 28A.04.020. WSR 80-07-038 (Order 80-20), § 392-109-045, filed 6/17/80.]

**WAC 392-109-047 Annual elections.** The superintendent of public instruction must conduct an election of members to the state board of education each year preceding a year in which the term of one or more members expires, and as required by RCW 28A.305.021 following a vacancy on the board.

[Statutory Authority: RCW 28A.305.021. WSR 17-15-101, § 392-109-047, filed 7/18/17, effective 8/18/17. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-047, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. WSR 96-08-001 (Order 96-05), § 392-109-047, filed 3/21/96, effective 4/21/96. Statutory Authority: RCW 28A.04.020. WSR 84-11-038 (Order 84-8), § 392-109-047, filed 5/15/84.]

**WAC 392-109-048 Election timeline.** The superintendent of public instruction must publish an official election timeline at the call of each election that shall include all necessary dates for the conduct of election.

[Statutory Authority: RCW 28A.305.021. WSR 17-15-101, § 392-109-048, filed 7/18/17, effective 8/18/17. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-048, filed 10/20/05, effective 11/20/05.]

**WAC 392-109-050 Elector information.** (1) Public schools. The office of superintendent of public instruction will obtain the list of electors from the Washington state school directors association or the individual educational service districts. The list must include each public school director's: Name, mailing address, school district name, and board member position or director district number.

(2) Approved private schools. The state board of education must provide to the office of superintendent of public instruction the mailing address

for the board of directors of each approved private school.

[Statutory Authority: RCW 28A.305.021. WSR 17-15-101, § 392-109-050, filed 7/18/17, effective 8/18/17. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-050, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.04.020. WSR 84-11-038 (Order 84-8), § 392-109-050, filed 5/15/84; WSR 80-07-038 (Order 80-20), § 392-109-050, filed 6/17/80.]

**WAC 392-109-060 Call of election.** On or before August twenty-fifth of each year the superintendent of public instruction must publicize a call of election. The call of election must include an election timeline, candidate filing information and forms, and voting information. The timeline and other relevant election information will be posted to the superintendent of public instruction's public website. The superintendent will issue a press release or similar form of public communication to provide election information to the public.

[Statutory Authority: RCW 28A.305.021. WSR 17-15-101, § 392-109-060, filed 7/18/17, effective 8/18/17. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-060, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.04.020. WSR 84-11-038 (Order 84-8), § 392-109-060, filed 5/15/84; WSR 81-17-005 (Order 81-10), § 392-109-060, filed 8/7/81; WSR 80-07-038 (Order 80-20), § 392-109-060, filed 6/17/80.]

**WAC 392-109-065 Candidates—Eligibility—Filing.** (1) Eligibility. A person is eligible to be a candidate for only one position on the state board of education at a time.

(a) A candidate for a position on the state board of education elected by members of public school district directors must be a resident of the region represented by the position and meet the other qualifications established by RCW 28A.305.021;

(b) A candidate for the position on the state board of education elected by private schools must be a resident of the state of Washington and meet the other qualifications established by RCW 28A.305.021.

(2) Forms for filing. A person who desires to be a candidate must complete:

(a) The declaration of candidacy form provided for in WAC 392-109-070; and

(b) The optional candidate statement provided for in WAC 392-109-075.

(3) Filing period. The filing period for candidates for any position on the state board of education elected by either public school district directors or approved private school boards of directors is September 1st through September 16th, or the business day specified on the election timeline.

(4) Filing deadline. The declaration of candidacy form must be postmarked by the date specified in the election timeline or, if filed in person, received at the office of superintendent of public instruction by close of business on the business day specified in the election timeline.

[Statutory Authority: RCW 28A.305.021. WSR 17-15-101, § 392-109-065, filed 7/18/17, effective 8/18/17. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-065, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. WSR 96-08-001 (Order 96-05), § 392-109-065, filed 3/21/96, effective 4/21/96. Statutory Authority: 1990 c 33. WSR 90-16-002 (Order 18), § 392-109-065, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.04.020. WSR 82-16-037 (Order 82-7), § 392-109-065, filed 7/28/82; WSR 80-07-038 (Order 80-20), § 392-109-065, filed 6/17/80.]

**WAC 392-109-070 Declaration of candidacy form.** A person who desires to be a candidate must complete and file a declaration of candidacy with the office of superintendent of public instruction as a condition to having his or her name placed on the official ballot.

The office of superintendent of public instruction will provide the declaration of candidacy form, which must include the candidate's name, residential address, mailing address (if different from residence), phone number, email address, exact name to be printed on bal-

lot, the position the candidate is running for, and the candidate's signature and date signed. The form must also include the following declaration:

I declare that the above information is true, that I am a registered voter residing at the address listed above, that I reside in the region of Washington state as listed above, that I am a candidate for the office listed above, and that I am aware if elected, I cannot concurrently serve as a member of the state board of education and as an employee of any school, college, university, or other educational institution, or any educational service district superintendent's office, or in the office of the superintendent of public instruction, or as a member of the board of directors of either a common school district or a private school. I swear, or affirm, that I will support the Constitution and laws of the United States, and the Constitution and laws of the state of Washington.

[Statutory Authority: RCW 28A.305.021. WSR 17-15-101, § 392-109-070, filed 7/18/17, effective 8/18/17. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-070, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. WSR 96-08-001 (Order 96-05), § 392-109-070, filed 3/21/96, effective 4/21/96. Statutory Authority: RCW 28A.04.020. WSR 84-15-026 (Order 84-27), § 392-109-070, filed 7/11/84; WSR 80-07-038 (Order 80-20), § 392-109-070, filed 6/17/80.]

**WAC 392-109-075 Optional candidate statement.** A candidate has the option of completing and filing a candidate statement and photo for inclusion with balloting information. The candidate statement, if submitted, shall not exceed three hundred words. The candidate may include one head-shot photo. The candidate statement and photo must be filed by the date and manner provided in the election timeline.

[Statutory Authority: RCW 28A.305.021. WSR 17-15-101, § 392-109-075, filed 7/18/17, effective 8/18/17. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-075, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.04.020. WSR 84-11-038 (Order 84-8), § 392-109-075, filed 5/15/84; WSR 80-07-038 (Order 80-20), § 392-109-075, filed 6/17/80.]

**WAC 392-109-077 Withdrawal of candidacy.** Any candidate may withdraw his or her declaration of candidacy by completing and signing a statement of withdrawal form and filing the form with the office of the superintendent of public instruction on or before 5:00 p.m. on the date included on the election timeline. A candidate's failure to withdraw will result in the inclusion of the candidate's name on the appropriate election ballot.

[Statutory Authority: RCW 28A.305.021. WSR 17-15-101, § 392-109-077, filed 7/18/17, effective 8/18/17. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-077, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.04.020. WSR 81-17-005 (Order 81-10), § 392-109-077, filed 8/7/81.]

**WAC 392-109-080 Ballots—Contents.** The ballot for each position subject to election pursuant to this chapter must:

- (1) Contain the names of each candidate eligible for the particular position.
- (2) Be prepared for each region.
- (3) Set forth the number of electoral votes to which each elector is entitled.

[Statutory Authority: RCW 28A.305.021. WSR 17-15-101, § 392-109-080, filed 7/18/17, effective 8/18/17. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-080, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.04.020. WSR 84-11-038 (Order 84-8), § 392-109-080, filed 5/15/84; WSR 80-07-038 (Order 80-20), § 392-109-080, filed 6/17/80.]

**WAC 392-109-085 Ballots and envelopes—Mailing to electors.** (1) The office of superintendent of public instruction must prepare ballots. Ballots must be mailed to electors by the date set forth in the election timeline.

- (2) The voting package must include the following:
  - (a) Official ballot;
  - (b) Ballot return envelope, marked with "Official Ballot" and preaddressed to the office of superintendent of public instruction. The return address area of the envelope must be preaddressed with the elector's name, mailing address, and school district;
  - (c) Secrecy envelope, consisting of a plain envelope with no markings that is smaller than the ballot return envelope;
  - (d) Instructions to electors, which must identify how to mark the ballot, the date the ballot must be postmarked or returned, and directions on how to place the ballot in the secrecy envelope and place the secrecy envelope in the ballot return envelope;
  - (e) Candidate statements and photos, which may be compiled into a single document.
- (3) Voting packages for private schools must be mailed to the chief administrator of each approved private school and include the components listed in subsection (2) of this section. The return address area of the ballot return envelope must include the name and address of the private school.

[Statutory Authority: RCW 28A.305.021. WSR 17-15-101, § 392-109-085, filed 7/18/17, effective 8/18/17. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-085, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. WSR 96-08-001 (Order 96-05), § 392-109-085, filed 3/21/96, effective 4/21/96. Statutory Authority: RCW 28A.04.020. WSR 84-11-038 (Order 84-8), § 392-109-085, filed 5/15/84; WSR 81-17-005 (Order 81-10), § 392-109-085, filed 8/7/81; WSR 80-07-038 (Order 80-20), § 392-109-085, filed 6/17/80.]

**WAC 392-109-090 Voting—Marking and return of ballots.** (1) Each member of a public school district board of directors may vote for one of the candidates for each position named on the official ballot by placing an "x" or other mark as instructed in the space provided next to the name of a candidate.

(2) Each approved private school may vote for one candidate on the official ballot by placing an "x" or other mark as instructed in the space provided next to the name of a candidate.

(3) Each member of a public school district board of directors and each approved private school shall complete voting by:

(a) Placing the marked official ballot in the smaller, unmarked secrecy envelope and sealing the same;

(b) Placing the unmarked secrecy envelope containing the official ballot in the larger preaddressed ballot return envelope marked "official ballot" and sealing the same; and

(c) The voted ballot must be returned to the office of superintendent of public instruction by the date stated on the election timeline or must be postmarked on or before the date stated on the election timeline.

[Statutory Authority: RCW 28A.305.021. WSR 17-15-101, § 392-109-090, filed 7/18/17, effective 8/18/17. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-090, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. WSR 96-08-001 (Order 96-05), § 392-109-090, filed 3/21/96, effective 4/21/96. Statutory Authority: RCW 28A.04.020. WSR 84-11-038 (Order 84-8), § 392-109-090, filed 5/15/84; WSR 80-07-038 (Order 80-20), § 392-109-090, filed 6/17/80.]

**WAC 392-109-095 Election counting boards—Appointment and composition.** The superintendent of public instruction or designee must establish and supervise counting boards comprised of no less than two members for each board. More than one counting board may be established to conduct the counting of ballots. The office of superintendent of public instruction must compile a list of the members of the counting board.

[Statutory Authority: RCW 28A.305.021. WSR 17-15-101, § 392-109-095, filed 7/18/17, effective 8/18/17. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-095, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.04.020. WSR 84-11-038 (Order 84-8), § 392-109-095, filed 5/15/84; WSR 80-07-038 (Order 80-20), § 392-109-095, filed 6/17/80.]

**WAC 392-109-100 Receipt of ballots and count of votes.** (1) As official ballot return envelopes are received by the superintendent of public instruction, a preliminary determination must be made as to the eligibility of the elector, and a record must be made on a list of eligible electors and approved private schools that the elector has voted.

(2) Official ballot return envelopes not submitted in compliance with this chapter and other envelopes containing ballots must be set aside for a final review and acceptance or rejection by the election counting boards.

(3) The counting boards must convene for the purpose of counting votes on the date included on the election timeline.

(a) Official ballot return envelopes accepted by the election committee must be opened and the secrecy envelopes containing the official ballots shall be removed and placed aside still sealed.



(b) The inner unmarked envelopes shall then be opened and the votes counted by the election committee.

(4) The office of superintendent of public instruction must not make or maintain any record of the candidate for whom any elector cast his or her vote.

[Statutory Authority: RCW 28A.305.021. WSR 17-15-101, § 392-109-100, filed 7/18/17, effective 8/18/17. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-100, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. WSR 96-08-001 (Order 96-05), § 392-109-100, filed 3/21/96, effective 4/21/96. Statutory Authority: RCW 28A.04.020. WSR 84-11-038 (Order 84-8), § 392-109-100, filed 5/15/84; WSR 80-07-038 (Order 80-20), § 392-109-100, filed 6/17/80.]

**WAC 392-109-105 Ineligible votes.** The following ballots and votes must be declared void and will not be accepted:

- (1) Votes for write-in candidates;
- (2) Votes cast on other than an official ballot;
- (3) Ballots which contain a vote for two or more of the named candidates for a particular position;
- (4) Ballots contained in other than an official ballot return envelope;
- (5) Ballots contained in an official ballot return envelope upon which the elector is not designated by name;
- (6) Ballots postmarked after the date specified on the election timeline. Ballots received after 5:00 p.m. on the date specified in the election timeline if delivered in person; and
- (7) Such other ballots or votes as the counting boards determine to be unidentifiable or unlawful.

[Statutory Authority: RCW 28A.305.021. WSR 17-15-101, § 392-109-105, filed 7/18/17, effective 8/18/17. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-105, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. WSR 96-08-001 (Order 96-05), § 392-109-105, filed 3/21/96, effective 4/21/96. Statutory Authority: RCW 28A.04.020. WSR 84-11-038 (Order 84-8), § 392-109-105, filed 5/15/84; WSR 80-07-038 (Order 80-20), § 392-109-105, filed 6/17/80.]

**WAC 392-109-111 Run-off election.** If no candidate for any one position receives a minimum of fifty percent plus one of the total votes for such position, the superintendent of public instruction must call a run-off election between the two candidates receiving the two highest vote totals for such position. The call for run-off election will include an updated election timeline. Ballots will be mailed to the same list of electors as were issued ballots for the initial election. In the event of a tie, the winner will be determined by lot drawing. To conduct the lot draw, the superintendent of public instruction, or designee, will place both names in a container and randomly draw one of the names. The lot draw will be conducted at the office of the superintendent of public instruction and will be witnessed by the three member election board. The candidate whose name is drawn will be deemed elected.

[Statutory Authority: RCW 28A.305.021. WSR 17-15-101, § 392-109-111, filed 7/18/17, effective 8/18/17. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-111, filed 10/20/05, effective 11/20/05.]

**WAC 392-109-112 Dispute resolution.** Any public school district board member or any approved private school eligible to vote for a candidate for membership on the state board of education or any candidate for the position, within ten days after the superintendent of public instruction's reporting of election, may contest the election of a candidate

under chapter 29A.68 RCW. The request must be made in writing and received by the superintendent of public instruction.

[Statutory Authority: RCW 28A.305.021. WSR 17-15-101, § 392-109-112, filed 7/18/17, effective 8/18/17. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-112, filed 10/20/05, effective 11/20/05.]

**WAC 392-109-115 Report and certification of election.** (1) On the date included on the election timeline, but no later than December 15, if a candidate receives a minimum of fifty percent plus one of the total votes for a position, the superintendent must publicly announce and certify the election results; or

(2) If a candidate does not receive a minimum of fifty percent plus one of the total votes for a position, the superintendent must publicly announce the need for a run-off election; the results of which must be announced and certified no more than ten days after election.

[Statutory Authority: RCW 28A.305.021. WSR 17-15-101, § 392-109-115, filed 7/18/17, effective 8/18/17. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-115, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.04.020. WSR 84-11-038 (Order 84-8), § 392-109-115, filed 5/15/84; WSR 81-17-005 (Order 81-10), § 392-109-115, filed 8/7/81; WSR 80-07-038 (Order 80-20), § 392-109-115, filed 6/17/80.]

**WAC 392-109-120 Vacancies and appointments.** (1) Whenever a vacancy among members elected by public school boards of directors occurs on the state board of education, from any cause whatsoever, the remaining members representing public school boards of directors must fill such vacancy by appointment, subject to full board approval. The appointment must be consistent with the appropriate regional position being vacated. The person so appointed must continue in office until the regular term expires.

(2) Whenever a vacancy of the approved private school elected member occurs on the state board of education, from any cause whatsoever, the private school advisory committee must fill such vacancy by appointment consistent with RCW 28A.305.021. The person so appointed must continue in office until the regular term expires.

[Statutory Authority: RCW 28A.305.021. WSR 17-15-101, § 392-109-120, filed 7/18/17, effective 8/18/17. Statutory Authority: Chapter 28A.305 RCW. WSR 11-01-057, § 392-109-120, filed 12/7/10, effective 1/7/11. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. WSR 05-22-007, § 392-109-120, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. WSR 96-08-001 (Order 96-05), § 392-109-120, filed 3/21/96, effective 4/21/96. Statutory Authority: 1990 c 33. WSR 90-16-002 (Order 18), § 392-109-120, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.04.020. WSR 80-07-038 (Order 80-20), § 392-109-120, filed 6/17/80.]