

Chapter 434-291 WAC
SPECIAL ELECTIONS FOR MAJOR PUBLIC ENERGY PROJECT BOND MEASURES
(Formerly chapter 434-91 WAC)

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WAC

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WAC 434-291-010 Purpose. The regulations in this chapter are adopted to implement the special election provisions of chapter 6, Laws of 1981 2nd ex. sess. (Initiative Measure 394) and chapter 88, Laws of 1982, in a manner reasonably consistent with the laws and procedures for referring initiatives, referendums, and constitutional amendments at a state general election.

[WSR 98-08-010, recodified as § 434-291-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-010, filed 5/25/82.]

WAC 434-291-020 Submission of a preliminary and a final cost-effectiveness study of a major public energy project. (1) Any public agency which intends to hold a special election pursuant to RCW 80.52.040 shall file with the secretary of state a preliminary, independent cost-effectiveness study of the project under consideration. This study shall be available for public inspection, review, and copying as provided by WAC 434-12A-040 through 434-12A-140.

(2) Any person who wishes to comment on the contents and conclusions of the preliminary cost-effectiveness study shall submit such comments in writing to the secretary of state no later than thirty days after the preliminary cost-effectiveness study was filed with the secretary of state. Copies of all such comments shall be promptly forwarded to the public agency which filed the preliminary cost-effectiveness study.

(3) After the thirty day period for public comment has expired, the public agency shall prepare a final draft of the cost-effectiveness study which includes any public comment on the preliminary draft of that study. The final cost-effectiveness study and a summary of the final cost-effectiveness study shall be filed with the secretary of state no later than the date on which the public agency requests a special election pursuant to RCW 80.52.040.

[WSR 98-08-010, recodified as § 434-291-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-020, filed 5/25/82.]

WAC 434-291-030 Request for an election pursuant to RCW 80.52.040. Any public agency which desires to hold a special election pursuant to RCW 80.52.040 shall submit to the secretary of state a certified copy of the ordinance, resolution, order, or other evidence of legislative action requesting such an election and specifying:

- (1) The name, location, and type of major public energy project, expressed in common terms;
- (2) The dollar amount and type of bonds being requested;
- (3) If the bond revenues are intended to finance the acquisition of all or a portion of a major public energy project, the anticipated total cost of the acquisition of the project;
- (4) If the bond revenues are intended to finance the planning or construction of all or a portion of a major public energy project, the anticipated total cost of construction of the project;
- (5) The projected average rate increase for consumers of the electricity to be generated by the project (that amount necessary to repay the total indebtedness incurred for the project, including estimated interest);
- (6) A summary of the final cost effectiveness study as required by RCW 80.52.050(4);
- (7) The anticipated functional life of the project;
- (8) The anticipated decommissioning costs of the project;
- (9) The reasons for requesting a special election; and
- (10) If the applicant is a joint operating agency, a list of all of the participating public agencies which are a part of that joint operating agency and the names of the counties which contain all or parts of each of these public agencies.

[WSR 98-08-010, recodified as § 434-291-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-030, filed 5/25/82.]

WAC 434-291-040 Designation of the bond issue on the ballot. When a public agency submits a request for a special election pursuant to RCW 80.52.040, the secretary of state shall sequentially number each bond measure to appear on the ballot, beginning with the number "101," and shall designate each bond measure with the title, "Major Public Energy Project Bond Measure" to distinguish it from other major public energy project bond measures and from other types of state measures. Such measure may be further designated on the ballot and in connection with the voters pamphlet arguments for and against the measure by any project name or number by which it is publicly known and identified.

[WSR 98-08-010, recodified as § 434-291-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-040, filed 5/25/82.]

WAC 434-291-050 Ballot title. Within seven days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the attorney general shall prepare and file with the secretary of state a ballot title for each major public energy project bond measure formulated as required by RCW 80.52.060.

[WSR 98-08-010, recodified as § 434-291-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-050, filed 5/25/82.]

WAC 434-291-060 Notice of the content of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title. The secretary of state shall furnish copies of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title promptly upon receipt to any individual who has submitted a written request for such notification.

[WSR 98-08-010, recodified as § 434-291-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-060, filed 5/25/82.]

WAC 434-291-070 Actions to contest contents of the ballot title or summary of the final cost-effectiveness study. Any registered voter may appeal to the superior court of Thurston County to review the contents of the ballot title or the summary of the final cost-effectiveness study on a major public energy project bond measure up to ten days following the filing of such document with the secretary of state. Such appeals shall be conducted in the same manner as appeals of ballot titles on initiatives as provided in RCW 29A.72.080.

[Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-291-070, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-291-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-070, filed 5/25/82.]

WAC 434-291-080 Certification of the request for a special election to the county auditors. Within ten days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the secretary of state shall certify the title of the measure and the ballot title to the county auditor in each county containing a portion of the public agency requesting the election.

[WSR 98-08-010, recodified as § 434-291-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-080, filed 5/25/82.]

WAC 434-291-090 Recommendations for committees to draft statements for the voters pamphlet. Any person who wishes to be appointed to serve on a committee to draft the arguments in favor of or in opposition to a major public energy project bond measure or any person who

wishes to recommend any individual to serve on such a committee may submit such request or recommendation in writing to the secretary of state up to ten days following the receipt of a request to hold a special election pursuant to WAC 434-91-030.

[WSR 98-08-010, recodified as § 434-291-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-090, filed 5/25/82.]

WAC 434-291-100 Appointment of committees. Within fifteen days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the secretary of state shall appoint a committee of three persons to write the arguments and rebuttals in favor of the major public energy project bond measure and a committee of three persons to write the arguments and rebuttals in opposition to the major public energy project bond measure. The secretary of state shall designate one of the members of each committee to serve as the chairperson of that committee.

[WSR 98-08-010, recodified as § 434-291-100, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-100, filed 5/25/82.]

WAC 434-291-110 Advisory committees. The persons appointed to a committee to write arguments and rebuttals on a major public energy project may, within fifteen days of their appointment, select an advisory committee of up to five persons to assist them in drafting the arguments and rebuttals on that measure. The names of the members of the advisory committee shall be certified to the secretary of state by the chairperson of that committee within three days of their selection.

[WSR 98-08-010, recodified as § 434-291-110, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-110, filed 5/25/82.]

WAC 434-291-120 Submission of arguments and rebuttals. At least sixty days prior to the special election on the major public energy project bond measure, each committee appointed pursuant to WAC 434-91-100 shall submit an argument for or against that measure to the secretary of state in the form and style prescribed for other voters pamphlet statements in WAC 434-81-060 through 434-81-070. As soon as both arguments on a major public energy bond measure have been received, the secretary of state shall transmit each argument to the opposing committee. At least fifty days prior to the special election on the major public energy project bond measure, each committee shall submit a rebuttal of the opposing argument in the form and style prescribed for other voters pamphlet rebuttals in WAC 434-81-060 through 434-81-070.

[WSR 98-08-010, recodified as § 434-291-120, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-120, filed 5/25/82.]

WAC 434-291-130 Permissible costs in allocation of election expenses. County auditors may include in the election costs to be allocated pursuant to RCW 29A.04.420 any of the following types of charges:

(1) Salaries, wages, and benefits for precinct officers and part-time or temporary employees whose responsibilities are directly attributable to the election, and for that portion of the time of regular employees (other than the county auditor) which is directly attributable to the election;

(2) Supplies specifically required for the election, including stationery, forms, other office supplies, and items for the repair and maintenance of equipment;

(3) Telephone and postage costs which are directly attributable to the election;

(4) Cartage or freight charges for moving or delivering voting machines, voting devices, voting booths, or delivery of precinct supplies and travel expenses for delivery of precinct returns;

(5) Legal notices and published instructions in connection with the election, closing of registration, or canvassing;

(6) Printing of ballots, poll books, tally books, instructions, signs, and other precinct supplies;

(7) Repairs and maintenance of voting and vote tallying equipment;

(8) Rentals for polling places and storage facilities for voting machines or devices;

(9) Depreciation for voting equipment so long as such charges over the useful life of such equipment do not exceed the original value of the equipment;

(10) That portion of the overhead cost of buildings or office space which is equal to the total of such costs multiplied by the ratio of the number of employee hours directly attributable to the major public energy project bond measure and the total number of employee hours for that office;

(11) Data processing costs for programming related to the election and for machine time for program testing, and vote tallying.

[Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-291-130, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-291-130, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-130, filed 5/25/82.]

WAC 434-291-140 Allocation of costs. The portion of total election costs in each county which shall be allocated to the public agency requesting a special election pursuant to RCW 80.52.040 shall be equal to the total cost of conducting that election multiplied by a quotient the numerator of which is the product of the number of registered voters in that county eligible to vote on the major public energy project bond measure or measures and the number of such measures submitted at that election and the denominator of which is the sum of the products of the number of registered voters in each jurisdiction for which candidates or measures appeared on the ballot at that election and the number of offices or issues attributable to that jurisdiction.

[WSR 98-08-010, recodified as § 434-291-140, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-140, filed 5/25/82.]

WAC 434-291-150 Documentation of charges for proportional share of election costs. The county auditor of each county in which a major public energy project bond measure appeared on the ballot shall submit to the secretary of state a summary of the total cost of the election in that county, a description of the allocation of that cost among the jurisdiction participating in that election and an invoice voucher for the proportional share of those costs attributable to the major public energy bond measure or measures. The secretary of state shall review and audit all such claims and combine them into one or more billings for the public agency which requested the election.

[WSR 98-08-010, recodified as § 434-291-150, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-150, filed 5/25/82.]

WAC 434-291-160 Proportional costs of voters pamphlet and other costs to the secretary of state. The secretary of state may include in the election costs to be allocated pursuant to RCW 80.52.050(5) any of the following types of charges:

(1) That portion of the salaries, wages, and benefits for regular employees (other than the secretary of state) and part-time or temporary employees which is directly attributable to the preparation and distribution of the voters pamphlet or other aspects of the administration and conduct of the major public energy project bond election;

(2) That portion of the cost of office supplies, equipment, telephones, postage, freight, travel, and data processing which is equal to the total of such costs multiplied by the ratio of the number of employee hours of the employees of the administrative division and the elections division of the office of the secretary of state directly attributable to the major public energy project bond measure and the total number of employee hours for such employees over the same period of time;

(3) That portion of the costs of typesetting, composition, printing, postage, and distribution of the voters pamphlet which is equal to the total of such costs multiplied by the ratio of the number of pages of the pamphlet directly attributable to the major public energy project bond measure and the total number of pages in the pamphlet; and

(4) The costs of any litigation related to the administration and conduct of a special election on a major public energy project bond measure other than for such actions which have been commenced prior to July 1, 1982.

The secretary of state shall include a detailed summary of any costs attributable to the major public energy project bond measure in one or more of the billings for the public agency which requested the election.

[WSR 98-08-010, recodified as § 434-291-160, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-160, filed 5/25/82.]

WAC 434-291-170 Reimbursement to counties for proportional share of election costs. Upon receipt of payment by the applicant, the secretary of state shall disburse the appropriate amounts to each county in the same manner as election costs are reimbursed pursuant to RCW 29A.04.420.

[Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-291-170, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-291-170, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-170, filed 5/25/82.]