

# HOUSE BILL REPORT

## HB 1935

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**As Passed House:**

February 16, 2004

**Title:** An act relating to special elections.

**Brief Description:** Changing prerequisites for county auditors calling special elections.

**Sponsors:** By Representatives Haigh, Ahern and Hatfield.

**Brief History:**

**Committee Activity:**

Education: 2/24/03, 3/3/03 [DP].

**Floor Activity:**

Passed House: 3/12/03, 91-0.

**Floor Activity:**

Passed House: 2/16/04, 94-0.

**Brief Summary of Bill**

- Removes reference to a repealed statute governing elections regarding school district consolidation proposals.
- Adds school district elections regarding district reorganization to the type of local elections exempt from the November election date rule.
- Requires a county auditor to call a special election requested by resolution from a city, town, or district.
- Removes the requirement for a county auditor to determine an emergency exists in order to call a special election.

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**HOUSE COMMITTEE ON EDUCATION**

**Majority Report:** Do pass. Signed by 11 members: Representatives Quall, Chair; McDermott, Vice Chair; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson, Cox, Haigh, Hunter, McMahan, Rockefeller and Santos.

**Staff:** Sydney Forrester (786-7120).

**Background:**

The standard rule regarding times for holding a local general election requires the election be held in November of odd-numbered years. Exceptions to this rule include proposals for non-high school district capital fund aid and proposals for school district consolidation. The statute governing school district consolidation, however, was repealed in 1999, and a new law was enacted governing district reorganization and adjustments to bonded indebtedness at the time of reorganization.

The statute governing timing of local elections grants the county auditor authority to call a special election on one of several specified alternate dates if requested to do so by resolution of a city, town, or district, and if the auditor deems an emergency to exist. Historical practice, however, has been that an auditor almost always calls a special election when a resolution from a city, town, or district is submitted in a timely manner.

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**Summary of Bill:**

Two school district reorganization-related elections are added to the list of special elections exempt from the November election date general rule. Elections regarding an adjustment of bonded indebtedness between or among school districts, and elections regarding the formation of a new school district are added to the list of exempt elections. The statute governing these two types of district elections replaces the existing reference to the repealed statute governing school district consolidation proposals.

The authority of the county auditor to decide whether to call a special election (based on the existence of an emergency) is changed to a requirement that the election shall be held on one of the alternate dates specified. The county auditor is not required to determine an emergency exists in order to call a special election.

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**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** The bill reflects an update to current statute governing alteration of school district boundaries. It also conforms law to current practice of county auditors. County auditors currently are required to find if an emergency exists in order to schedule a special election, but in practice, auditors don't do this. When a resolution is received from a district calling for a special election, an auditor assumes the district knows best when a special election is justified. Deadlines in the election process don't permit

auditors to meet with local districts to determine whether an emergency exists. Common practice is that auditors conduct all special elections when requested to do so by resolution.

**Testimony Against:** None.

**Testified:** Representative Haigh, prime sponsor; and Al Brotche, Mason County Auditor, Washington State Association of County Auditors.