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Education Committee

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HJR 4204

**Brief Description:** Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy.

**Sponsors:** Representatives Haigh, Armstrong, Hunter, Hunt, Tom, McDermott, Wallace, Rockefeller, Fromhold, Eickmeyer, Miloscia, Talcott, Lantz, Schual-Berke, Ruderman, Pettigrew, Wood, Upthegrove, Hudgins, Morrell, Simpson, Darneille and Chase.

**Brief Summary of Bill**

- The Legislature will submit to the voters a proposed amendment to the state constitution that would allow school levies to be approved by a simple majority of voters voting at an election.

**Hearing Date:** 2/12/03

**Staff:** Susan Morrissey (786-7111).

**Background:**

**School Levies and Bonds - Statutory and Constitutional Approval Requirements**

The Washington Constitution gives school districts the authority to collect property tax revenues in excess of 1 percent of the assessed value of county property for capital or operating purposes, and to assume excess debt when voters approve a levy or bond issue by certain margins. The constitution also specifies the timing and frequency of such "excess" levies and bond elections.

General Obligation Bonds and Debt: A school district is authorized to issue general obligation bonds or to assume debt for capital purposes in excess of set limits only when the number of voters voting on the proposition is not less than 40 percent of district voters who participated in the last preceding general election. Additionally, at least 60 percent of those voting on the proposition must vote "yes".

Excess Property Tax Levies: There are two methods for authorizing a school district excess levy. The first method results in approval if 60 percent vote "yes" so long as the number of voters voting on the proposition equals or exceeds 40 percent of district voters who

participated in the last preceding general election.

The second method can result in approval where voters turn out in fewer numbers than the requisite "40 percent". In this case, the "yes" count threshold is higher for levy approval. The number of "yes" votes must equal or exceed three-fifths (60 percent) of a number that represents 40 percent of district voters who participated in the last preceding general election.

Timing and Frequency: School excess levies or bond issues may be submitted at a special or regular election, but not more than twice in a 12-month period. Levy propositions may not be submitted more than 12 months prior to the effective date.

Process for Changing the Requirement: Any amendment to change the Washington Constitution must be approved by a two-thirds majority of both houses of the Legislature. In addition, four laws must be changed to implement the constitutional amendment.

### **Summary of Bill:**

The Legislature will submit to the voters a proposed amendment to state constitution that would allow school levies to be approved by a simple majority of voters voting at an election. The amendment would change the current constitutional requirement that school levies be approved by 60 percent of the voters.

It would also change the current validation requirement that either the number of people voting must equal or exceed 40 percent of those voting at the last general election, or if fewer than 40 percent of the voters turn out for the election, the number of "yes" votes must equal or exceed 60 percent of a number that represents 40 percent of district voters who participated in the last preceding general election.

**Appropriation:** None.

**Fiscal Note:** Requested on 1/22/03.