

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5327

Chapter 107, Laws of 2009

61st Legislature
2009 Regular Session

ELECTION PROVISIONS--TECHNICAL CORRECTIONS

EFFECTIVE DATE: 04/16/09

Passed by the Senate March 7, 2009
YEAS 45 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 7, 2009
YEAS 84 NAYS 13

FRANK CHOPP

Speaker of the House of Representatives

Approved April 16, 2009, 3:37 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5327** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 17, 2009

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5327

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Senate Government Operations & Elections (originally sponsored by Senators Oemig, Swecker, Regala, McDermott, and McAuliffe; by request of Secretary of State)

READ FIRST TIME 02/16/09.

1 AN ACT Relating to technical corrections to election provisions;
2 amending RCW 28A.343.300, 28A.343.600, 28A.343.640, and 35.02.086;
3 adding a new section to chapter 29A.04 RCW; creating a new section; and
4 declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 28A.343.300 and 1991 c 363 s 20 are each amended to
7 read as follows:

8 The governing board of a school district shall be known as the
9 board of directors of the district.

10 Unless otherwise specifically provided, as in ((RCW-29.13.060))
11 section 4 of this act, each member of a board of directors shall be
12 elected by ballot by the registered voters of the school district and
13 shall hold office for a term of four years and until a successor is
14 elected and qualified. Terms of school directors shall be staggered,
15 and insofar as possible, not more than a majority of one shall be
16 elected to full terms at any regular election. In case a member or
17 members of a board of directors are to be elected to fill an unexpired
18 term or terms, the ballot shall specify the term for which each such
19 member is to be elected.

1 Except for a school district of the first class having within its
2 boundaries a city with a population of four hundred thousand people or
3 more which shall have a board of directors of seven members, the board
4 of directors of every school district of the first class or school
5 district of the second class shall consist of five members.

6 **Sec. 2.** RCW 28A.343.600 and 1990 c 33 s 318 are each amended to
7 read as follows:

8 Any first-class school district having a board of directors of five
9 members as provided in RCW (~~(28A.315.450)~~) 28A.343.300 and which elects
10 directors for a term of six years under the provisions of (~~(RCW~~
11 ~~29.13.060)~~) section 4 of this act shall cause the office of at least
12 one director and no more than two directors to be up for election at
13 each regular school district election held hereafter and, except as
14 provided in RCW (~~(28A.315.680)~~) 28A.343.670, any first-class school
15 district having a board of directors of seven members as provided in
16 RCW (~~(28A.315.450)~~) 28A.343.300 shall cause the office of two directors
17 and no more than three directors to be up for election at each regular
18 school district election held hereafter.

19 **Sec. 3.** RCW 28A.343.640 and 1991 c 363 s 26 are each amended to
20 read as follows:

21 Upon the establishment of a new school district of the first class
22 as provided for in RCW (~~(28A.315.580)~~) 28A.343.020 containing more than
23 one former first-class district, the directors of the largest former
24 first-class district and three directors representative of the other
25 former first-class districts selected by a majority of the board
26 members of the former first-class districts and two directors
27 representative of former second-class districts selected by a majority
28 of the board members of former second-class districts shall meet at the
29 call of the educational service district superintendent and shall
30 constitute the board of directors of the new district. Vacancies once
31 such a board has been reconstituted shall not be filled unless the
32 number of remaining board members is less than seven, and such
33 vacancies shall be filled in the manner otherwise provided by law.

34 Each board of directors so constituted shall proceed at once to
35 organize in the manner prescribed by law and thereafter shall have all
36 of the powers and authority conferred by law upon boards of first-class

1 districts until the next regular school election and until their
2 successors are elected and qualified. At such election other than
3 districts electing directors for six-year terms as provided in ((RCW
4 ~~29.13.060, as now or hereafter amended~~) section 4 of this act, five
5 directors shall be elected either at large or by director districts, as
6 the case may be, two for a term of two years and three for a term of
7 four years. At such election for districts electing directors for six
8 years other than a district having within its boundaries a city with a
9 population of four hundred thousand people or more and electing
10 directors for six year terms, five directors shall be elected either at
11 large or by director districts, as the case may be, one for a term of
12 two years, two for a term of four years, and two for a term of six
13 years.

14 NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.04 RCW
15 under the subchapter heading "Times for Holding Elections" to read as
16 follows:

17 (1) In each county with a population of two hundred ten thousand or
18 more, first-class school districts containing a city of the first-class
19 shall hold their elections biennially as provided in RCW 29A.04.330.

20 (2) Except as provided in RCW 28A.343.610, the directors to be
21 elected may be elected for terms of six years and until their
22 successors are elected, qualified, and assume office in accordance with
23 RCW 29A.20.040.

24 (3) If the board of directors of a school district pursuant to
25 subsection (1) of this section reduces the length of the term of office
26 for school directors in the district from six to four years, the
27 reduction in the length of term must not affect the term of office of
28 any incumbent director without his or her consent, and a provision must
29 be made to appropriately stagger future elections of school directors.

30 **Sec. 5.** RCW 35.02.086 and 2006 c 344 s 20 are each amended to read
31 as follows:

32 Each candidate for a city or town elective position shall file a
33 declaration of candidacy with the county auditor of the county in which
34 all or the major portion of the city or town is located not more than
35 sixty days nor less than forty-five days prior to the primary election
36 at which the initial elected officials are nominated(~~(, according to~~

1 ~~RCW 29A.24.050~~). The elective positions shall be as provided in law
2 for the type of city or town and form or plan of government specified
3 in the petition to incorporate, and for the population of the city or
4 town as determined by the county legislative authority or boundary
5 review board where applicable. Any candidate may withdraw his or her
6 declaration (~~(according to RCW 29A.24.131)~~) at any time within five
7 days after the last day allowed for filing a declaration of candidacy.
8 All names of candidates to be voted upon shall be printed upon the
9 ballot alphabetically in groups under the designation of the respective
10 titles of offices for which they are candidates. Names of candidates
11 printed upon the ballot need not be rotated.

12 NEW SECTION. **Sec. 6.** Sections 1 through 4 of this act are
13 retroactive and shall be applied from July 1, 2004, the date that RCW
14 29.13.060 was inadvertently repealed as part of a reorganization and
15 recodification of the statutes on elections.

16 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and takes effect
19 immediately.

Passed by the Senate March 7, 2009.

Passed by the House April 7, 2009.

Approved by the Governor April 16, 2009.

Filed in Office of Secretary of State April 17, 2009.