

**WAC 392-107-225 Counting—Ineligible votes—Recount—Certification of election—Special election.** (1)(a) As official ballot 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 shall be made on the list of electors that the elector has voted.

(b) Official ballot 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 board.

(2)(a) The election board must convene for the purpose of counting votes on or before October 25th, but not earlier than October 21st.

(b) Official ballot envelopes that are accepted by the election board must be opened. The secrecy envelope must be removed and placed aside, unopened. The secrecy envelopes must then be opened and the votes counted by the election board.

(c) No record shall be made or maintained of the candidate for which any elector cast his or her vote.

(3) Ineligible votes. The following ballots and votes must be declared void and will not be accepted:

(a) Votes for write-in candidates.

(b) Votes cast on other than an official ballot.

(c) Ballots which contain a vote for more than one candidate in a board-member position.

(d) Ballots contained in other than the official ballot envelope.

(e) Ballots contained in the official ballot envelope upon which the elector is not designated by name.

(f) Ballots postmarked after October 16th; hand-delivered ballots received after October 16th; ballots postmarked on or before October 16th but received after October 21st; mailed ballots with illegible postmarks received after October 21st.

(g) Such other ballots or votes as the election board shall determine to be unidentifiable or unlawful.

(4)(a) Recounts. Automatic. A recount of votes cast will be automatic if the electoral vote difference between any two candidates for the same position is one vote or less than one percent of electoral votes on a single ballot cast for the position, whichever is greater.

(b) Recounts. Upon request. The request must be made in writing and received by the superintendent of public instruction.

(5) Certification of election. Within ten calendar days after the date upon which the votes were counted, and no sooner than eight calendar days after the votes are counted by the election board, the superintendent of public instruction shall officially certify to the county auditor of the headquarters county of the educational service district the name or names of persons elected to membership on the educational service district board of directors.

(6) 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 by the superintendent of public instruction must occur no later than November 1st. 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.310.080. WSR 17-15-100, § 392-107-225, filed 7/18/17, effective 8/18/17; WSR 07-17-182, § 392-107-225, filed 8/22/07, effective 9/22/07. Statutory Authority: 2006 c 263. WSR 06-14-009, recodified as § 392-107-225, filed 6/22/06, effective 6/22/06. Statutory Authority: RCW 28A.310.020, 28A.210.080. WSR 02-18-052, § 180-22-225, filed 8/28/02, effective 9/28/02.]