

# HOUSE BILL REPORT

## HB 1298

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As Reported By House Committee On:  
Education

**Title:** An act relating to school district and library district elections.

**Brief Description:** Providing for a simple majority of electors voting to authorize school district and library district levies and bonds.

**Sponsors:** Representatives G. Cole, Brough, Flemming, Dorn, Peery, Karahalios, Pruitt, Rust, Cothorn, Jones, Long, Chappell, Holm, Eide, Linville, Johanson, Foreman, Riley, J. Kohl, Springer, Cooke, Wood, Lemmon, Jacobsen, Wang, Leonard, Carlson, Brumsickle, Thomas, H. Myers, Rayburn and Orr; by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction.

**Brief History:**

Reported by House Committee on:  
Education, February 18, 1993, DPS.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; and Roland.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Stevens and Vance.

**Staff:** Margaret Allen (786-7191).

**Background:** Ordinarily, when a school district or library district seeks the approval of a bond issue or a tax levy, 60 percent of the votes cast at the election must be in favor of the issue or levy.

In addition, the number of persons voting on the proposal must equal at least 40 percent of the total number of votes

cast in the district voting at the most recent general election.

The 60 percent supermajority and 40 percent validation requirements are imposed both by the state constitution and statutes.

According to unofficial results of the February 2, 1993, school financing elections, of the nine bond issues that failed, three received a majority of favorable votes, but less than the requisite 60 percent. The other six bond issues received 60 percent favorable votes but lacked the requisite number of voters to validate the election.

Of the various levies on ballots in the same elections, all of the levies failing received a majority of favorable votes.

Seven levies passed under a special rule for levies known as the 24 percent rule. Under the 24 percent rule, a levy will pass if it receives a number of favorable votes equal to at least 24 percent of the total number of votes cast in the most recent general election, even if too few votes are cast to validate the election under ordinary rules. Twenty-four percent favorable votes of the total number of votes cast in the most recent general election is equal to 60 percent favorable votes of 40 percent of the total number of votes cast in the most recent general election.

**Summary of Substitute Bill:** The 60 percent supermajority and 40 percent validation requirements are removed for school and library districts. A bond issue or levy will pass if authorized by a majority of those voting on the issue or levy.

The act takes effect only if an accompanying proposed amendment to the state constitution is approved and ratified by the voters at the next general election, and certified by the secretary of state.

**Substitute Bill Compared to Original Bill:** The terms "votes cast," "electors voting" and "persons voting" are changed to "voters voting" throughout the bill. A statute inadvertently omitted from the original bill is included and amended for consistency.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill contains a contingency clause and takes effect if the proposed amendment is validly submitted, approved, and ratified by the voters and certified by the secretary of state.

**Testimony For:** The validation requirement allows "no" votes to count more than "yes" votes. The supermajority requirement allows a minority to rule. Let the voters decide whether to drop the supermajority and validation requirements. Money spent rerunning failed levies and bonds could be better spent on teachers and schools.

**Testimony Against:** Eliminating the supermajority and validation requirements will adversely effect taxpayers on fixed incomes. Mailing a ballot to every registered voter would eliminate any validation problems.

**Witnesses:** Kathleen Anderson, state Board of Education (for); Debbie Severn, Marcia Holland, Washington State PTA (for); Donna Rivers, Steilacoom Historical School District (for); Jan Shellgren, Seattle School Board (for); Jean Shefreland, Highline Citizens for Schools (for); Val Torrens (for); Marcia Costello, WASA (for); Charles Hall, Yelm Community Schools (for); and Chester Gill (against).