

# HOUSE BILL ANALYSIS

## HB 1034

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**Title:** An act relating to validation of school bond elections.

**Brief Description:** Remediating a problem caused by lack of required notice in a school bond election on May 19, 1998.

**Sponsors:** Representatives Sheahan, Grant, Schoesler, Mastin, Bush and D. Schmidt.

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### HOUSE COMMITTEE ON EDUCATION

*Meeting Date:* January 25, 1999.

*Bill Analysis Prepared by:* Susan Morrissey (786-7111).

**Background:** By law, either the county auditor or the county election officer must notify voters of a pending election. Unless a voter's pamphlet is mailed to each residence in the voting jurisdiction, a legal notice about the election must be posted in at least one newspaper in general circulation in the county, within a three to 10 day period before the election is held.

The legal notification requirements were not met for a school bond levy election held on May 19, 1998 for the Clarkston School District. The levy was approved by 76 percent of the voters in the special election. However, the lack of public notice caused attorneys to question the validity of the election, resulting in a delay of bond sales until a legal remedy is implemented.

According to news reports, the school district prepared a notice of the election and submitted it to the county auditor. The auditor reported that the notice was sent to the local paper, the Lewiston Tribune. However, the newspaper did not have a record showing that the notice was ever received.

**Summary of Bill:** Despite any failure to publish an election notice, any school district election held on May 19, 1998, is validated if the election was approved by the number and proportion of people required by law. Anyone wishing to challenge the validity of the election must bring a legal action within thirty days after the effective date of this act. Within five days of the effective date of the act, a notice of its provisions must be published in a newspaper of general circulation within the county where such an election was held.

**Appropriation:** None.

**Fiscal Note:** Not requested.

*Effective Date:* The bill contains an emergency clause and takes effect immediately.