



*Washington Secretary of State*

# CLEARINGHOUSE

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## ELECTIONS NOTICE

Issue: 11-01

Date: May 18, 2011

### **Redistricting Plan Submitted After Deadline**

The Secretary of State's Office has received information that there are school districts intending to submit redistricting plans to County Auditors after the May 7, 2011 deadline, with the assumption that the plans will be implemented for elections in 2011.

We recommend County Auditors not act upon redistricting plans submitted after May 7. Implementation of these plans should be suspended until after the General Election.

The problem is an outdated school district statute, RCW 28A.343.060, that states plans submitted after the fourth Monday in June are implemented the following year. The statute was enacted in 1991, when candidate filing began the fourth Monday in July. The intent of the statute was to require plans to be submitted at least 30 days prior to candidate filing, consistent with RCW 29A.16.040 and its predecessor statute, RCW 29.04.040.

In 2007, candidate filing moved from the fourth Monday in July to the first Monday in June. Unfortunately, this statute has not been amended to coincide with revised candidate filing timelines and no longer fulfills the original intent of the law.

Additionally, RCW 28A.343.060(2) does not state that plans adopted by the school board after the mandated closure of precinct boundary changes *must* be adopted. It merely states that plans submitted after the fourth Monday in June will not be effective until the next year.

The intent of the law at the time of passage of RCW 28A.343.060 was to make sure district plans were submitted 30 days before candidate filing with sufficient time for implementation. Our interpretation is that plans submitted later than 30 days prior to candidate filing will wait for implementation until after the General Election of that year.

**RCW 28A.343.060**

District boundary changes — Submission to county auditor

(1) Any district boundary changes, including changes in director district boundaries, shall be submitted to the county auditor by the school district board of directors within thirty days after the changes have been approved by the board. The board shall submit both legal descriptions and maps.

(2) Any boundary changes submitted to the county auditor after the fourth Monday in June of odd-numbered years shall not take effect until the following year. [1991 c 288 § 9. Formerly RCW 28A.315.597.]

**RCW 29A.16.040**

Precincts — Number of voters — Dividing, altering, or combining — Creating new precincts

The county legislative authority of each county in the state hereafter formed shall, at their first session, divide their respective counties into election precincts and establish the boundaries of the precincts. The county auditor shall thereupon designate the voting place for each such precinct or whether the precinct is a vote by mail precinct.

(1) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored. Except as permitted under subsection (5) of this section, no precinct boundaries may be changed during the period starting on the thirtieth day prior to the first day for candidates to file for the primary election and ending with the day of the general election.