

IN THE SENATE

SENATE BILL NO. 1306

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO CITY ELECTIONS; AMENDING SECTION 50-405, IDAHO CODE, TO PROVIDE THAT NO CITY ELECTION SHALL BE HELD FOR AN OFFICE UNDER CERTAIN CONDITIONS AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 50-405, Idaho Code, be, and the same is hereby amended to read as follows:

50-405. GENERAL AND SPECIAL CITY ELECTIONS. (1) A general election shall be held in each city governed by this title, for officials as in this title provided, on the Tuesday following the first Monday of November in each odd-numbered year. All such officials shall be elected and hold their respective offices for the term specified and until their successors are elected and qualified. All other city elections that may be held under authority of general law shall be known as special city elections.

(2) (a) No city election shall be held for an office if, after the deadline for filing a declaration of intent to be a write-in candidate for the office, it appears:

(i) For the office of mayor, only one (1) person has filed a declaration of candidacy or a declaration of intent to be a write-in candidate;

(ii) For the office of city council member in cities that have established designated seats, as provided in section 50-707, Idaho Code, only one (1) person has filed a declaration of candidacy or a declaration of intent to be a write-in candidate for a particular seat up for election for a two (2) year term or a four (4) year term;  
or

(iii) For the office of city council member in cities that do not have designated council seats as provided in section 50-707, Idaho Code, the number of people who have filed a declaration of candidacy or a declaration of intent to be a write-in candidate is equal to or fewer than the number of council positions up for election for a two (2) year term or a four (4) year term.

(b) If the provisions of paragraph (a) of this subsection have been met, the city clerk shall declare such candidate elected. The candidate shall receive a certificate of election and be installed at the first city council meeting in January following the election.

(3) On and after January 1, 2011, notwithstanding any other provisions of law to the contrary, there shall be no more than two (2) elections conducted in any city in any calendar year, except as provided in this section.

(34) The dates on which elections may be conducted are:

(a) The third Tuesday in May of each year; and

(b) The Tuesday following the first Monday in November of each year.

1 (c) In addition to the elections specified in paragraphs (a) and (b) of  
2 this subsection ~~(3)~~, an emergency election may be called upon motion of  
3 the city council of a city. An emergency exists when there is a great  
4 public calamity, such as an extraordinary fire, flood, storm, epidemic  
5 or other disaster, or if it is necessary to do emergency work to prepare  
6 for a national or local defense, or if it is necessary to do emergency  
7 work to safeguard life, health or property.

8 (45) Pursuant to section 34-1401, Idaho Code, all ~~municipal city~~ elec-  
9 tions shall be conducted by the county clerk of the county wherein the city  
10 lies, and elections shall be administered in accordance with the provisions  
11 of title 34, Idaho Code, except as those provisions are specifically modi-  
12 fied by the provisions of this chapter. After an election has been ordered,  
13 all expenses associated with conducting ~~municipal city~~ general and special  
14 elections shall be paid from the county election fund as provided by section  
15 34-1411, Idaho Code. Expenses associated with conducting runoff elections  
16 shall be paid by the city adopting runoff elections pursuant to the provi-  
17 sions of section 50-612 or 50-707B, Idaho Code, or both.

18 (56) The secretary of state is authorized to provide such assistance as  
19 necessary, and to prescribe any needed rules or interpretations for the con-  
20 duct of elections authorized under the provisions of this section.