

IN THE SENATE

SENATE BILL NO. 1275

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-201, IDAHO CODE, TO
2 REVISE PROVISIONS REGARDING NOMINEE OATHS AND TO MAKE TECHNICAL CORREC-
3 TIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
4

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

6 SECTION 1. That Section 43-201, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 43-201. ELECTION, TERM OF OFFICE, NOMINATIONS AND QUALIFICATIONS. (1)
9 Following the organization of any district, an election shall be held in ac-
10 cordance with section 34-106, Idaho Code, at which shall be elected one (1)
11 director for each division of said district by the electors of the district
12 at large.

13 (2) The term of office of the directors shall, immediately after the
14 first election following such organization, be selected by lot so that as
15 nearly as may be, one-third (1/3) of the number shall hold office for the term
16 of one (1) year, ~~one-third (1/3)~~ one-third (1/3) for the term of two (2) years, and the bal-
17 ance for the term of three (3) years. An election shall be held in the dis-
18 trict each year thereafter in accordance with section 34-106, Idaho Code, to
19 elect directors to succeed those whose terms expire. Each director's term
20 of office shall commence on the regularly scheduled board meeting closest
21 to the date specified for taking office in section 34-106, Idaho Code, and
22 shall continue for a term of three (3) years and until their successors are
23 elected and qualified. If no director is elected and qualified at the end of
24 an incumbent director's three (3) year term, an election shall be held at the
25 next regular election of the irrigation district for the incumbent direc-
26 tor's successor to hold office for the remainder of the unexpired term. This
27 election requirement shall apply retroactively where an incumbent director
28 remains in office on the date of the effective date of this act because the
29 incumbent's successor was not elected and qualified in the 2012 election.

30 (3) Every director must be a qualified elector and a resident of the di-
31 vision of the director whom he is to succeed in office; provided that the
32 bylaws may, by resolution of two-thirds (2/3) of the board and adoption by
33 two-thirds (2/3) of the electors voting in a district election conducted in
34 accordance with the general election laws of the state applicable to irriga-
35 tion districts, set forth a provision allowing a district landowner to serve
36 as the director from the division in which the landowner owns land, if the
37 landowner possesses all the qualifications required of electors under the
38 general laws of the state and has resided within fifteen (15) miles of the
39 district for a period of at least thirty (30) days prior to the election; pro-
40 vided further that any landowner who owns land in more than one (1) division
41 may serve as the director only from the division nearest which he resides.

1 (4) Candidates for election to the office of director of an irrigation
2 district shall be nominated by nominating petitions on forms provided by the
3 district. Each nominating petition shall:

4 (a) Identify the name of the nominee;

5 (b) Identify the office for which the nomination is made;

6 (c) Identify the term for which nomination is made;

7 (d) Be signed by at least six (6) electors in districts having less than
8 one hundred (100) resident electors and by at least twelve (12) electors
9 in districts having more than one hundred (100) resident electors; and

10 (e) Be filed with the secretary of the district not less than forty (40)
11 days ~~not~~ or more than sixty (60) days before the date of election; and
12 the names of the persons so nominated shall be placed upon the official
13 ballot to be furnished by the district.

14 (5) Each nominee shall subscribe to a nominee's oath on a form provided
15 by the irrigation district, and shall submit the oath to the secretary of the
16 district with the written nomination. The oath shall:

17 (a) Identify the land the nominee owns within the district;

18 (b) Provide the address of the nominee's residence;

19 (c) Certify that the nominee meets the residency and qualification re-
20 quirements of subsection (3) of this section and section 43-111, Idaho
21 Code; and

22 (d) Certify that the nominee will meet such requirements on the date of
23 election.

24 The secretary of the district shall verify the qualifications of each nom-
25 inee and shall, no more than seven (7) days after the close of filing, cer-
26 tify the qualified nominees for inclusion on the election ballot. If at any
27 time prior to the election, circumstances change so that a nominee no longer
28 meets the qualification requirements of section 43-111, Idaho Code, the nom-
29 inee shall be disqualified, shall not take office if elected, and shall im-
30 mediately file with the secretary of the district a written withdrawal of his
31 nomination for the office of director. The secretary shall not place on the
32 election ballot the name of any candidate that does not meet the qualifica-
33 tion requirements of section 43-111, Idaho Code.

34 SECTION 2. An emergency existing therefor, which emergency is hereby
35 declared to exist, this act shall be in full force and effect on and after
36 July 1, 2022.