

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 285

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO INITIATIVE AND REFERENDUM PETITIONS; AMENDING SECTION 34-1807,
2 IDAHO CODE, TO PROVIDE FOR THE REGISTRATION OF INITIATIVE OR REFERENDUM
3 PETITION CIRCULATORS; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE
4 ADDITION OF A NEW SECTION 67-6612A, IDAHO CODE, TO ESTABLISH PROVISIONS
5 REGARDING THE REGISTRATION OF SIGNATURE GATHERERS; AND PROVIDING AN EF-
6 FECTIVE DATE AND PROVIDING APPLICATION.
7

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

9 SECTION 1. That Section 34-1807, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 34-1807. CIRCULATION OF PETITIONS -- VERIFICATION OF PETITION AND
12 SIGNATURE SHEETS -- CERTIFICATION OF PETITION SIGNERS -- CERTAIN PETITIONS
13 AND SIGNATURES VOID. (1) Any person who circulates any petition for an ini-
14 tiative or referendum shall be a resident of the state of Idaho and at least
15 eighteen (18) years of age. Any person who circulates any petition for an
16 initiative or referendum for signatures shall be registered with the secre-
17 tary of state pursuant to section 67-6612A, Idaho Code. Each and every sheet
18 of every such petition containing signatures shall be verified on the face
19 thereof in substantially the following form, by the person who circulated
20 said sheet of said petition, by his or her affidavit thereon, and as a part
21 thereof:

22 State of Idaho)
23)ss.
24 County of....)

25 I, , being first duly sworn, say: That I am a resident of the State of
26 Idaho and at least eighteen (18) years of age: that every person who signed
27 this sheet of the foregoing petition signed his or her name thereto in my
28 presence: I believe that each has stated his or her name, address and res-
29 idence correctly, that each signer is a qualified elector of the State of
30 Idaho, and a resident of the county of

31 Signed.....
32 Post office address
33 Subscribed and sworn to before me this.... day of.....
34 (Notary Seal) Notary Public
35 Residing at

36 (2) In addition to said affidavit, the county clerk shall carefully ex-
37 amine said petitions and strike from the petition any names for which he has
38 determined that the name, address, or signature do not match those of a qual-
39 ified elector of the proper jurisdiction. The county clerk shall attach to
40 the signature sheets a certificate to the secretary of state substantially
41 as follows:

42 State of Idaho)

1) ss.
2 County of....)

3 To the honorable...., Secretary of State for the State of Idaho:
4 I,...., County Clerk of.... County, hereby certify that.... signatures on
5 this petition are those of qualified electors in legislative district num-
6 ber.....

7 Signed.....
8 County Clerk or Deputy.

9 (Seal of office)

10 (3) The county clerk shall deliver the petition or any part thereof to
11 the person from whom he received it with his certificate attached thereto
12 as above provided. The forms herein given are not mandatory and if substan-
13 tially followed in any petition, it shall be sufficient, disregarding clerical
14 and merely technical error.

15 (4) Any petition upon which signatures are obtained by a person who is
16 not a resident of the state of Idaho, not registered with the secretary of
17 state's office pursuant to section 67-6612A, Idaho Code, and not at least
18 eighteen (18) years of age shall be void. The definition of resident in sec-
19 tion 34-107, Idaho Code, shall apply to the circulators of initiative and
20 referendum petitions.

21 (5) Any signature that is not a physical signature, including an elec-
22 tronic signature, is void.

23 SECTION 2. That Chapter 66, Title 67, Idaho Code, be, and the same is
24 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
25 ignated as Section 67-6612A, Idaho Code, and to read as follows:

26 67-6612A. REGISTRATION OF SIGNATURE GATHERERS. (1) Before circulat-
27 ing any initiative or referendum petition for signatures, or within thirty
28 (30) days after being employed, designated, or contracted as a signature
29 gatherer, whichever occurs first, a signature gatherer shall register by
30 filing a statement with the secretary of state and successfully completing
31 a training administered by the secretary of state, which training shall
32 include the legal requirements for initiative and referendum petition cir-
33 culation. The statement and training shall be in such detail and form as
34 prescribed by the secretary of state. The statement shall be accompanied by
35 payment of a registration fee of ten dollars (\$10.00) to be deposited by the
36 secretary of state in the state treasury. The signature gatherer registra-
37 tion statement shall include:

- 38 (a) The registrant's name and address;
- 39 (b) The name, address, and notification email address for the employer
40 or contractee of the registrant;
- 41 (c) The general nature of the occupation or business of the regis-
42 trant's employer or contractee and the duration of the employment
43 contract;
- 44 (d) Whether the person from whom the signature gatherer receives com-
45 pensation employs him solely as a signature gatherer or whether the sig-
46 nature gatherer is a regular employee performing services for his em-
47 ployer that include but are not limited to signature gathering; and
- 48 (e) A list of all initiative and referendum petitions that the regis-
49 trant will circulate for signatures.

1 (2) The registration pursuant to this section shall expire immediately
2 after the election date on which the initiative or referendum is to be de-
3 cided by the voters.

4 (3) The secretary of state shall maintain a publicly available database
5 containing the names of registered signature gatherers along with the peti-
6 tions circulated by such registrants.

7 (4) The provisions of this section do not apply to any person who re-
8 ceives no compensation for circulating the initiative or referendum peti-
9 tion for signatures.

10 SECTION 3. This act shall be in full force and effect on and after Jan-
11 uary 1, 2024, and shall apply to all petitions filed with the Secretary of
12 State pursuant to chapter 18, title 34, Idaho Code, on and after January 1,
13 2024.