

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 85

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 34-1811, IDAHO CODE, TO REVISE A
2 PROVISION REGARDING THE MANNER OF VOTING ON AN INITIATIVE PETITION AND
3 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1813, IDAHO CODE, TO
4 PROVIDE THAT AN INITIATIVE PETITION APPROVED BY THE VOTERS SHALL BE PRE-
5 SENTED TO THE GOVERNOR FOR APPROVAL OR VETO IN CERTAIN CIRCUMSTANCES,
6 TO PROVIDE FOR A VETO OVERRIDE BY THE VOTERS, TO MAKE TECHNICAL CORREC-
7 TIONS, AND TO REMOVE OBSOLETE LANGUAGE; AND DECLARING AN EMERGENCY.
8

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

10 SECTION 1. That Section 34-1811, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 34-1811. MANNER OF VOTING -- PROCEDURE WHEN CONFLICTING MEASURES AP-
13 PROVED. The manner of voting ~~upon~~ on measures submitted to the people shall
14 be the same as is now or may be required and provided by law; no measure shall
15 be adopted unless it shall receive an affirmative majority of the aggregate
16 number of votes cast on such measure, and, in the case of an initiative peti-
17 tion, meet the requirements of section 34-1813(2), Idaho Code. If two (2) or
18 more conflicting laws shall be approved by the people at the same election,
19 the law ~~receiving~~ that receives the greatest number of affirmative votes
20 shall be paramount in all particulars as to which there is a conflict, even
21 though such law may not have received the greatest majority of affirmative
22 votes. If two (2) or more conflicting amendments to the constitution shall
23 be approved by the people at the same election, the amendment ~~which~~ that
24 receives the greatest number of affirmative votes shall be paramount in all
25 particulars as to which there is a conflict, even though such amendment may
26 not have received the greatest majority of affirmative votes.

27 SECTION 2. That Section 34-1813, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 34-1813. COUNTING, CANVASSING AND RETURN OF VOTES -- GOVERNOR'S VETO
30 -- VETO OVERRIDE BY THE VOTERS -- EFFECTIVE DATES. (1) The votes on measures
31 and questions shall be counted, canvassed, and returned by the regular
32 boards of judges, clerks, and officers, as votes for candidates are counted,
33 canvassed, and returned, and the abstract made by the several county au-
34 ditors of votes on measures shall be returned to the secretary of state on
35 separate abstract sheets in the manner provided for abstract of votes for
36 state and county officers. It shall be the duty of the secretary of state, in
37 the presence of the governor, to proceed within thirty (30) days after the
38 election, and sooner if the returns be all received, to canvass the votes
39 given for each measure, and the governor shall forthwith issue his procla-
40 mation, giving the whole number of votes cast in the state for and against

1 such measure and question and declaring such measures as are approved by a
2 majority of those voted thereon.

3 (2) If an initiative petition is approved by at least two-thirds (2/3)
4 of the voters, the initiative petition shall be approved without the need
5 for the governor's approval and it shall be in full force and effect as the
6 law of the state of Idaho from the effective date provided in the initiative
7 or, if no effective date is provided, from the date of the governor's procla-
8 mation provided in subsection (1) of this section. If an initiative peti-
9 tion is approved by at least a majority of voters, but less than two-thirds
10 (2/3) of the voters, the governor shall have five (5) days from the date of
11 the governor's proclamation to either approve or veto the initiative peti-
12 tion. If the governor approves of an initiative petition, the governor shall
13 sign it and it shall be in full force and effect as the law of the state of
14 Idaho from the effective date provided in the initiative or, if no effective
15 date is provided, from the date of the governor's signature. If the governor
16 does not approve of an initiative petition, the governor may veto the initia-
17 tive petition within five (5) days from the date of the governor's proclama-
18 tion by filing it with the secretary of state along with written objections.
19 The secretary of state shall then cause the initiative petition to be once
20 again submitted to the voters at the next general election in compliance with
21 the provisions of sections 34-1810, 34-1812, and 34-1812C, Idaho Code. If
22 at least two-thirds (2/3) of the voters approve the re-submitted initiative
23 petition at the next general election, it shall become law, notwithstand-
24 ing the objections of the governor and in the same manner and with the same
25 effective date as an initiative petition approved by the majority of voters
26 and neither approved nor vetoed by the governor. If the governor neither ap-
27 proves nor vetoes the initiative petition within five (5) days from the date
28 of the governor's proclamation, it shall be deemed approved by the governor
29 and shall be in full force and effect as the law of the state of Idaho from the
30 effective date provided in the initiative or, if no effective date is pro-
31 vided, five (5) days after the governor's proclamation.

32 (3) A referendum petition approved by the majority of the voters shall
33 be in full force and effect as the law of the state of Idaho from the date of
34 said the governor's proclamation for any referendum measure. The effective
35 date for an initiative measure shall be governed by the provisions of subsec-
36 tion (2) of this section.

37 (4) If two (2) or more measures shall be approved at said as a result of
38 the same election which are known to conflict with each other or to contain
39 conflicting provisions, he the governor shall also proclaim which is para-
40 mount in accordance with the provisions of sections 34-1801 through 34-1822,
41 Idaho Code.

42 ~~(2) (a) A statewide initiative may contain an effective date, if passed,~~
43 ~~that shall be no earlier than July 1 of the year following the vote on the~~
44 ~~ballot initiative. If no effective date is specified in the petition,~~
45 ~~the effective date of a statewide initiative that has been approved by~~
46 ~~the electorate shall be July 1 of the following year.~~

47 ~~(b) (5) A city or county initiative may contain an effective date, if~~
48 ~~passed, that may be earlier than July 1 of the year following the vote on the~~
49 ~~ballot city or county initiative, but no earlier than the mayor's proclama-~~
50 ~~tion as provided in section 34-1801B, Idaho Code, or the proclamation by the~~

1 board of county commissioners, as provided in section 34-1801C, Idaho Code.
2 If no effective date is specified in the petition, the effective date of a
3 city or county initiative that has been approved by the electorate shall be
4 July 1 of the following year.

5 SECTION 3. An emergency existing therefor, which emergency is hereby
6 declared to exist, this act shall be in full force and effect on and after its
7 passage and approval.