

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 258

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING CHAPTER 6, TITLE 34, IDAHO CODE, BY THE AD-  
2 DITION OF A NEW SECTION 34-613A, IDAHO CODE, TO ESTABLISH PROVISIONS  
3 REGARDING STATE BOARD OF EDUCATION MEMBER ELECTIONS; AMENDING SECTION  
4 34-626, IDAHO CODE, TO REVISE PROVISIONS REGARDING PETITIONS IN LIEU  
5 OF FILING FEES FOR ELECTIONS; AMENDING SECTION 59-501, IDAHO CODE,  
6 TO REVISE PROVISIONS REGARDING SALARIES OF STATE ELECTIVE OFFICERS;  
7 AMENDING SECTION 67-6610A, IDAHO CODE, TO REVISE PROVISIONS REGARD-  
8 ING LIMITATIONS ON ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES;  
9 REPEALING SECTION 33-102, IDAHO CODE, RELATING TO THE STATE BOARD OF  
10 EDUCATION; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION  
11 OF A NEW SECTION 33-102, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING  
12 THE STATE BOARD OF EDUCATION AND TO PROVIDE FOR STATE BOARD OF EDUCATION  
13 ELECTIONS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PRO-  
14 VIDING AN EFFECTIVE DATE.  
15

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

17 SECTION 1. That Chapter 6, Title 34, Idaho Code, be, and the same is  
18 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
19 ignated as Section 34-613A, Idaho Code, and to read as follows:

20 34-613A. ELECTION OF STATE BOARD OF EDUCATION MEMBERS. (1) At the 2026  
21 general election, five (5) members shall be elected: three (3) for terms of  
22 two (2) years each and two (2) for terms of four (4) years each. Thereafter,  
23 the successors of persons so elected shall be elected for terms of four (4)  
24 years each.

25 (2) Zones for the state board of education shall be as follows:

26 (a) Zone 1: legislative districts 1 through 7;

27 (b) Zone 2: legislative districts 8 through 14;

28 (c) Zone 3: legislative districts 15 through 21;

29 (d) Zone 4: legislative districts 22 through 28; and

30 (e) Zone 5: legislative districts 29 through 35.

31 (3) Candidates for the state board of education shall be nominated and  
32 elected only by qualified electors in the zone they seek to represent.

33 (4) The candidate receiving the greatest number of votes for the posi-  
34 tion the candidate seeks shall be declared nominated, or elected, as the case  
35 may be.

36 (5) No person shall be elected to the state board of education unless  
37 the person:

38 (a) Is at least twenty-five (25) years of age at the time of election;

39 (b) Is a citizen of the United States; and

40 (c) Has been a qualified elector in a legislative district correspond-  
41 ing with the zone the candidate wishes to represent for at least one (1)  
42 year prior to the election.

1 (6) Each candidate shall file a declaration of candidacy with the sec-  
2 retary of state.

3 (7) Each candidate who files a declaration of candidacy shall at the  
4 same time pay a filing fee of one hundred dollars (\$100), which shall be de-  
5 posited in the general fund.

6 (8) Candidates for the state board of education may receive campaign  
7 contributions governed by the provisions of chapter 66, title 67, Idaho  
8 Code. Candidates for the state board of education shall declare party affil-  
9 iation at the time of filing the declaration of candidacy pursuant to section  
10 34-704, Idaho Code.

11 SECTION 2. That Section 34-626, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13 34-626. PETITION IN LIEU OF FILING FEE. (1) In lieu of paying the  
14 filing fee, candidates may qualify for the offices mentioned in ~~section~~  
15 sections 34-604 through ~~section~~ 34-623, Idaho Code, by filing a declaration  
16 of candidacy and a nominating petition. The petition shall contain the sig-  
17 natures of qualified electors as follows:

18 (a) One thousand (1,000) for any statewide office;

19 (b) Five hundred (500) for any congressional district office (all sig-  
20 natures within proper district);

21 (c) Five hundred (500) for any state board of education office (all sig-  
22 natures within proper zone);

23 ~~(d)~~ (d) Two hundred (200) for the office of district judge (all signa-  
24 tures within proper district);

25 ~~(e)~~ (e) Fifty (50) for any legislative district office (all signatures  
26 within proper district); and

27 ~~(f)~~ (f) Five (5) for any county office (county commissioner signatures  
28 shall be within commissioner district).

29 (2) Signatures on such nominating petitions shall be verified in the  
30 manner prescribed in section 34-1807, Idaho Code.

31 SECTION 3. That Section 59-501, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 59-501. SALARIES OF STATE ELECTIVE OFFICERS -- REGULAR PAYMENT --  
34 TRAVELING EXPENSES -- FEES PROPERTY OF STATE. (1) The elected officers named  
35 in this subsection shall receive the following compensation for their ser-  
36 vices:

37 (a) Commencing on the first Monday in January 2023~~7~~, until the first Mon-  
38 day in January 2027, the governor shall receive compensation of one hun-  
39 dred fifty-one thousand four hundred dollars (\$151,400) per annum;

40 (b) The lieutenant governor shall receive thirty-five percent (35%) of  
41 the governor's compensation per annum;

42 (c) The secretary of state, state treasurer, and state superintendent  
43 of public instruction shall each receive eighty-five percent (85%) of  
44 the governor's compensation per annum;

45 (d) Commencing on the first Monday in January 2023~~7~~, until the first Mon-  
46 day in January 2027, the attorney general shall receive compensation of

1 one hundred forty-six thousand seven hundred thirty dollars (\$146,730)  
2 per annum; ~~and~~

3 (e) Each member of the state board of education shall receive twelve  
4 thousand dollars (\$12,000) per annum and receive reimbursement for  
5 travel and necessary expenses for each day the member is away from his  
6 place of residence and engaged in the business of the board, not to ex-  
7 ceed one hundred fifty dollars (\$150) per day; and

8 ~~(e) (f)~~ The state controller shall receive eighty-five percent (85%) of  
9 the governor's compensation per annum; said compensation to be audited  
10 by the legislative council.

11 (2) Such compensation shall be paid on regular pay periods as due out of  
12 the state treasury and shall be in full for all services by said officers, re-  
13 spectively, rendered in any official capacity or employment whatever during  
14 their respective terms of office; but no increase in the rate of compensation  
15 shall be made during the terms of such officers; provided however, that the  
16 actual and necessary expenses of the governor, lieutenant governor, secre-  
17 tary of state, attorney general, state controller, state treasurer, and su-  
18 perintendent of public instruction, while traveling within the state or be-  
19 tween points within the state in the performance of official duties, shall be  
20 allowed and paid by the state; ~~not, however, exceeding such sum as shall be~~  
21 ~~not to exceed the sum~~ appropriated for such purpose.

22 (3) Actual and necessary subsistence expenses of the governor while  
23 traveling in connection with the performance of official duties are hereby  
24 expressly exempted from the provisions of sections 67-2007 and 67-2008,  
25 Idaho Code (standard travel pay and allowance act of 1949).

26 (4) No officer named in this section shall receive, for the performance  
27 of any official duty, any fee for his own use, but all fees fixed by law for  
28 the performance of any official duty shall be collected in advance and de-  
29 posited with the state treasurer to the credit of the state.

30 SECTION 4. That Section 67-6610A, Idaho Code, be, and the same is hereby  
31 amended to read as follows:

32 67-6610A. LIMITATIONS ON CONTRIBUTIONS. (1) Except as provided in  
33 subsection (2) of this section, aggregate contributions for a primary elec-  
34 tion or a general election made by a corporation, political committee, other  
35 recognized legal entity or an individual shall be subject to the limitations  
36 of this subsection. This subsection shall not apply to a candidate con-  
37 tributing or loaning money to his own campaign account or to a candidate for  
38 a state legislative office who, in terminating his campaign account, trans-  
39 fers the balance of funds to that candidate's new campaign account for a dif-  
40 ferent state legislative office. In such case, any contributions received  
41 in the closed account, combined with any contributions received in the new  
42 account, shall count against the contribution limits provided in this sub-  
43 section when received from the same contributor for the same election date.

44 (a) Aggregate contributions by a corporation, political committee,  
45 other recognized legal entity, or an individual to a candidate for the  
46 state legislature, judicial office, or local government office, and  
47 political committees organized on the candidate's behalf, shall be  
48 limited to an amount not to exceed one thousand dollars (\$1,000) for

1 the primary election and an amount not to exceed one thousand dollars  
2 (\$1,000) for the general election.

3 (b) Aggregate contributions for a primary election or a general elec-  
4 tion by a corporation, political committee, other recognized legal en-  
5 tity, or an individual to a candidate for statewide office ~~and politi-~~  
6 ~~ical committees organized or the state board of education and politi-~~  
7 ~~cal committees organized on the candidate's behalf~~ shall be limited to  
8 an amount not to exceed five thousand dollars (\$5,000) for the primary  
9 election and an amount not to exceed five thousand dollars (\$5,000) for  
10 the general election.

11 (2) Aggregate contributions for a primary election or for a general  
12 election made by a county central committee or by the state central committee  
13 of the political parties qualified under section 34-501, Idaho Code, to a  
14 candidate for the state legislature and political committees organized on  
15 the candidate's behalf shall be limited to an amount not to exceed two thou-  
16 sand dollars (\$2,000) for the primary election and an amount not to exceed  
17 two thousand dollars (\$2,000) for the general election. Aggregate contribu-  
18 tions for the primary election or the general election by the state central  
19 committee of the political parties qualified under section 34-501, Idaho  
20 Code, to a candidate for statewide office and political committees organized  
21 on the candidate's behalf shall be limited to an amount not to exceed ten  
22 thousand dollars (\$10,000) for the primary election and an amount not to  
23 exceed ten thousand dollars (\$10,000) for the general election.

24 (3) For purposes of this section, "statewide office" shall mean an of-  
25 fice in state government that shall appear on the primary or general election  
26 ballot throughout the state.

27 (4) Recall and special elections, for purposes of this section, shall  
28 be treated the same as general elections for contribution limits.

29 (5) Contributions other than money or its equivalent are deemed to have  
30 a monetary value equivalent to the fair market value of the contribution.  
31 Services or property or rights furnished at less than their fair market value  
32 for the purpose of assisting any candidate or political committee are deemed  
33 a contribution. A contribution of this kind shall be reported as an in-kind  
34 contribution at its fair market value and counts toward any applicable con-  
35 tribution limit of the contributor. Contributions shall not include the  
36 personal services of volunteers.

37 (6) For the purposes of contribution limits, the following apply:

38 (a) A contribution by a political committee with funds that have all  
39 been contributed by one (1) person who exercises exclusive control over  
40 the distribution of the funds of the political committee is a contribu-  
41 tion by the controlling person.

42 (b) All contributions made by a person or political committee whose  
43 contribution or expenditure activity is financed, maintained or con-  
44 trolled by a trade association, labor union or collective bargaining  
45 organization shall be considered a contribution from such trade associ-  
46 ation, labor union or collective bargaining organization.

47 (c) Two (2) or more entities are treated as a single entity if the enti-  
48 ties:

49 (i) Share the majority of members on their board of directors;

50 (ii) Share two (2) or more officers;

1 (iii) Are owned or controlled by the same majority shareholder or  
2 shareholders or persons;

3 (iv) Are in a parent-subsidiary relationship; or

4 (v) Have bylaws so stating.

5 (7) The provisions of this section are hereby declared to be severable  
6 and if any provision of this section or the application of such provision to  
7 any person or circumstance is declared invalid for any reason, such declara-  
8 tion shall not affect the validity of the remaining portions of this section.

9 SECTION 5. That Section [33-102](#), Idaho Code, be, and the same is hereby  
10 repealed.

11 SECTION 6. That Chapter 1, Title 33, Idaho Code, be, and the same is  
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
13 ignated as Section 33-102, Idaho Code, and to read as follows:

14 33-102. MEMBERSHIP -- ELECTION -- APPOINTMENT -- TERM OF OFFICE --  
15 QUALIFICATIONS -- PLACE OF OFFICE. (1) The state board of education shall  
16 consist of the state superintendent of public instruction, who shall be an ex  
17 officio voting member and who shall serve as executive secretary of the board  
18 for all elementary and secondary school matters, and seven (7) members, with  
19 five (5) members being elected by zone as provided for in section 34-613A,  
20 Idaho Code, and two (2) members appointed by the governor who shall assume  
21 full powers and duties upon appointment but be subject to confirmation by the  
22 senate at its next regular session. The members appointed by the governor  
23 shall have terms of five (5) years. Annually on the first day of July, the  
24 governor shall appoint members to fill the board positions for which the  
25 terms of office have expired. Upon the expiration date of the term of office,  
26 a member shall continue to serve until a successor shall have been appointed.

27 (2) The governor shall fill any vacancy on the board by appointment,  
28 which appointment shall be for the unexpired term of the retiring member.  
29 Appointment to the board shall be made solely upon consideration of the abil-  
30 ity of such appointees to efficiently serve the interests of the people and  
31 education, without reference to locality, occupation, party affiliation, or  
32 religion. Any person appointed to the board shall have been a resident of the  
33 state and, if filling a vacancy of an elected member, the zone for which the  
34 vacancy exists, for not less than one (1) year prior to the date of appoint-  
35 ment and shall qualify and assume the duties in accordance with laws govern-  
36 ing similar appointments to, and qualifications for, office on other state  
37 boards. Members shall act and assume full powers and duties upon appoint-  
38 ment, but such appointments shall be subject to confirmation by the senate at  
39 its next regular session. If a vacancy occurs for an elected member with more  
40 than half of that seat's term remaining, then an election for that zone will  
41 be held at the next even numbered primary election for nominations and subse-  
42 quent general elections to complete the remaining term of service.

43 (3) The state board shall have and maintain its office in Ada county.

44 SECTION 7. SEVERABILITY. The provisions of this act are hereby declared  
45 to be severable and if any provision of this act or the application of such  
46 provision to any person or circumstance is declared invalid for any reason,

1 such declaration shall not affect the validity of the remaining portions of  
2 this act.

3 SECTION 8. An emergency existing therefor, which emergency is hereby  
4 declared to exist, this act shall be in full force and effect on and after  
5 July 1, 2025.