

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 278

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 1-2220, IDAHO CODE, TO REVISE PROVI-  
2 SIONS REGARDING THE FILING OF DECLARATIONS OF CANDIDACY BY MAGISTRATES;  
3 AMENDING SECTION 31-4306, IDAHO CODE, TO REVISE PROVISIONS REGARD-  
4 ING THE FILING OF DECLARATIONS OF INTENT BY CANDIDATES IN RECREATION  
5 DISTRICT ELECTIONS; AMENDING SECTION 33-2705, IDAHO CODE, TO REVISE  
6 A PROVISION REGARDING THE DEADLINE TO CANVASS CERTAIN RETURNS AND TO  
7 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2717A, IDAHO CODE, TO  
8 REVISE PROVISIONS REGARDING THE FILING OF DECLARATIONS OF INTENT BY  
9 CERTAIN CANDIDATES IN LIBRARY DISTRICT TRUSTEE ELECTIONS; AMENDING  
10 SECTION 34-106, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN  
11 COUNTY AND RECALL ELECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
12 SECTION 34-408, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DEADLINE  
13 TO REGISTER TO VOTE IN THE OFFICE OF THE COUNTY CLERK; AMENDING SEC-  
14 TION 34-410, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DEADLINE  
15 TO REGISTER TO VOTE BY MAIL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
16 SECTION 34-625, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DEAD-  
17 LINE TO FILE DECLARATIONS OF CANDIDACY IN HIGHWAY DISTRICT COMMISSIONER  
18 ELECTIONS; AMENDING SECTION 34-625A, IDAHO CODE, TO REVISE PROVISIONS  
19 REGARDING THE DEADLINE TO FILE DECLARATIONS OF CANDIDACY IN CERTAIN  
20 SINGLE COUNTYWIDE HIGHWAY DISTRICT COMMISSIONER ELECTIONS; AMENDING  
21 SECTION 34-702A, IDAHO CODE, TO REVISE PROVISIONS REGARDING DECLARA-  
22 TIONS OF INTENT FOR WRITE-IN CANDIDATES; AMENDING SECTION 34-704, IDAHO  
23 CODE, TO REVISE PROVISIONS REGARDING THE FILING OF CERTAIN DECLARATIONS  
24 OF CANDIDACY IN PRIMARY ELECTIONS AND TO MAKE A TECHNICAL CORRECTION;  
25 AMENDING SECTION 34-705, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
26 THE FILING OF CERTAIN DECLARATIONS OF CANDIDACY IN COUNTY ELECTIONS;  
27 AMENDING SECTION 34-712, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
28 THE DEADLINE TO PROVIDE COUNTY CLERKS WITH CERTAIN SAMPLE FORM PRIMARY  
29 ELECTION BALLOTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
30 34-714, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN DEADLINES  
31 FOR FILLING VACANCIES IN SLATE OF POLITICAL PARTY CANDIDATES OCCURRING  
32 PRIOR TO PRIMARY ELECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMEND-  
33 ING SECTION 34-715, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN  
34 DEADLINES FOR FILLING OF VACANCIES OCCURRING BEFORE OR AFTER PRIMARY  
35 ELECTIONS; AMENDING SECTION 34-717, IDAHO CODE, TO REVISE PROVISIONS  
36 REGARDING CERTAIN CANDIDATE WITHDRAWALS; AMENDING SECTION 34-1012,  
37 IDAHO CODE, TO REVISE PROVISIONS REGARDING ALTERNATIVE PROCEDURES FOR  
38 ABSENTEE VOTING AND EARLY VOTING AND TO MAKE A TECHNICAL CORRECTION;  
39 AMENDING SECTION 34-1205, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
40 WHEN THE COUNTY BOARD OF CANVASSERS MEETS; AMENDING SECTION 34-1404,  
41 IDAHO CODE, TO REVISE PROVISIONS REGARDING DECLARATIONS OF CANDIDACY  
42 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1405A, IDAHO  
43 CODE, TO REVISE PROVISIONS REGARDING DEADLINES FOR CERTAIN CANDIDATE  
44 WITHDRAWALS; AMENDING SECTION 34-1407, IDAHO CODE, TO REVISE PRO-  
45

1 VISIONS REGARDING THE FILING OF DECLARATIONS OF INTENT BY WRITE-IN  
 2 CANDIDATES; AMENDING SECTION 40-1305C, IDAHO CODE, TO REVISE PROVI-  
 3 SIONS REGARDING THE DEADLINES TO FILE CERTAIN NOMINATING PETITIONS FOR  
 4 HIGHWAY DISTRICT COMMISSIONER CANDIDATES; REPEALING SECTION 42-3211a,  
 5 IDAHO CODE, RELATING TO EXPIRATION OF TERM; AMENDING SECTION 50-407,  
 6 IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DEADLINES FOR FILING  
 7 DECLARATIONS OF CANDIDACY AND PETITIONS OF CANDIDACY FOR CERTAIN MU-  
 8 NICIPAL ELECTIONS; AMENDING SECTION 50-410, IDAHO CODE, TO REVISE  
 9 PROVISIONS REGARDING THE FILING OF DECLARATIONS OF CANDIDACY FOR CER-  
 10 TAIN CITY ELECTIONS; AMENDING SECTION 67-4911, IDAHO CODE, TO REVISE  
 11 PROVISIONS REGARDING THE FILING OF NOMINATIONS FOR AUDITORIUM DISTRICT  
 12 BOARD ELECTIONS; AMENDING SECTION 70-1108, IDAHO CODE, TO REVISE A PRO-  
 13 VISION REGARDING THE DEADLINE TO CANVASS RETURNS AND TO MAKE A TECHNICAL  
 14 CORRECTION; AMENDING SECTION 19-6203, IDAHO CODE, TO PROVIDE A CORRECT  
 15 CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE  
 16 DATE.

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

18 SECTION 1. That Section 1-2220, Idaho Code, be, and the same is hereby  
 19 amended to read as follows:

20 1-2220. RETENTION OR NONRETENTION OF MAGISTRATE BY VOTE. Any magis-  
 21 trate appointed pursuant to the provisions of section 1-2205, Idaho Code,  
 22 and section 1-2207(2), Idaho Code, shall stand for office in the first gen-  
 23 eral election next succeeding the expiration of the eighteen (18) month  
 24 period established pursuant to section 1-2207, Idaho Code. Any magistrate  
 25 may, ~~not less than ninety (90) days prior to the holding of the general elec-~~  
 26 ~~tion next preceding the expiration of his term of office, during the time~~  
 27 period provided in section 34-1404, Idaho Code, file in the office of the  
 28 county clerk of the county for which he is a resident magistrate, accompa-  
 29 nyed by a filing fee of forty dollars (\$40.00), a declaration of candidacy  
 30 to succeed himself. If a declaration is not so filed by any magistrate, the  
 31 vacancy resulting from the expiration of his term of office shall be filled  
 32 by appointment as herein provided, except that any magistrate who does not  
 33 file shall be ineligible for appointment within the same judicial district  
 34 until for two (2) years following the expiration of his last term of office  
 35 have expired. If such a declaration is filed, his name shall be submitted at  
 36 the next general election to the voters eligible to vote within the county  
 37 for which he is appointed, on a nonpartisan judicial ballot, without party  
 38 designation, which shall read:

39 "Shall Magistrate . . . . (Here insert the name of the magistrate) of  
 40 . . . . (Here insert the name of the county) County of the . . . . (Here  
 41 insert the judicial district number) Judicial District be retained  
 42 in office?" (Here provision is to be made for voting "Yes" or "No.")  
 43 "No".)

44 The votes shall be canvassed as provided in chapter 12, title 34, Idaho  
 45 Code.

46 If a majority of those voting on the question vote against retaining him  
 47 in office, upon the expiration of his term of office, a vacancy shall exist  
 48 which shall be filled by appointment as provided in section 1-2205, Idaho

1 Code, except that the magistrate not retained in office shall be ineligi-  
 2 ble for appointment within the same judicial district ~~until for~~ two (2) years  
 3 following the expiration of his last term of office ~~have expired~~.

4 If a majority of those voting on the question vote for retaining him in  
 5 office, the county clerk shall issue him a certificate of election as pro-  
 6 vided in section 34-1209, Idaho Code, and said magistrate shall, unless re-  
 7 moved for cause, remain in office for an additional term of four (4) years,  
 8 and at the expiration of each such four (4) year term shall be eligible for  
 9 retention in office by election in the manner herein prescribed.

10 SECTION 2. That Section 31-4306, Idaho Code, be, and the same is hereby  
 11 amended to read as follows:

12 31-4306. ELECTION OF DIRECTORS. (1) An election of directors shall be  
 13 held in each district on the Tuesday succeeding the first Monday of November  
 14 of each odd-numbered year. Such election shall be held in conformity with  
 15 title 34, Idaho Code. Before the notice of election is given, the board shall  
 16 divide the district into subdivisions as nearly equal in population as pos-  
 17 sible to be designated as director's subdistrict 1, 2 and 3, or director's  
 18 subdistrict 1, 2, 3, 4 and 5, depending ~~upon~~ on the number of subdistricts  
 19 in the district. Each nominating petition shall state the subdistrict for  
 20 which the nominee is nominated.

21 (2) In any election for directors if, after the expiration of the date  
 22 for filing written nominations for the office of director, it appears that  
 23 only one (1) qualified candidate has been nominated for each position to be  
 24 filled and if no declaration of intent has been filed as provided in subsec-  
 25 tion (3) of this section, it shall not be necessary to hold an election, and  
 26 the board of directors shall, no later than seven (7) days before the sched-  
 27 uled date of the election, declare such candidate elected as director, and  
 28 the secretary of the recreation district board shall immediately make and  
 29 deliver to such person a certificate of election.

30 (3) No write-in vote for recreation district director shall be counted  
 31 unless a declaration of intent has been filed indicating that the person  
 32 desires the office and is legally qualified to assume the duties of recre-  
 33 ation district director if elected. The declaration of intent shall be filed  
 34 with the recreation district board secretary ~~not later than forty-five (45)~~  
 35 ~~days before the day of election~~ during the time period provided in section  
 36 34-1407, Idaho Code.

37 SECTION 3. That Section 33-2705, Idaho Code, be, and the same is hereby  
 38 amended to read as follows:

39 33-2705. CONDUCT OF ELECTION. Upon the county commissioners having  
 40 made the order referred to in subsection (5) of section 33-2704, Idaho Code,  
 41 the clerk of the board of county commissioners shall cause to be published a  
 42 notice of an election to be held for the purpose of determining whether or not  
 43 the proposed library district shall be established under the provisions of  
 44 this chapter. The date of this election shall be the next uniform election  
 45 date as provided for in section 34-106, Idaho Code. Whenever more than one  
 46 (1) petition is presented to the county commissioners calling for an elec-  
 47 tion to create library districts, the first presented shall take precedence.

1 Notice of the election shall be given, the election shall be conducted, and  
 2 the returns thereof canvassed as provided for in chapter 14, title 34, Idaho  
 3 Code, and under the general election laws of the state of Idaho. The ballot  
 4 shall contain the words "(Name) Library District--Yes" and "(Name) Library  
 5 District--~~No~~, "No", each followed by a box wherein the voter may express his  
 6 choice by marking a cross "X." "X". The board or boards of election shall  
 7 make returns and certify the results to the boards of county commissioners  
 8 within three (3) days after the election, and the board of county commission-  
 9 ers shall, within seven (7) days after the election, canvass the returns.  
 10 If a majority of all votes cast be in the affirmative, the board of county  
 11 commissioners shall, within ~~seven (7)~~ nine (9) days after the returns have  
 12 been canvassed, enter an order declaring the library district established,  
 13 designating its name and boundaries including a map prepared in a draftsman-  
 14 like manner. The board of county commissioners shall transmit a copy of the  
 15 order to the county recorder, county assessor, and the state tax commission  
 16 in a timely manner, but no later than December 15~~7~~ in the calendar year in  
 17 which the election was held. A copy of the order shall also be transmitted to  
 18 the board of library commissioners.

19 SECTION 4. That Section 33-2717A, Idaho Code, be, and the same is hereby  
 20 amended to read as follows:

21 33-2717A. DECLARATION OF INTENT FOR WRITE-IN CANDIDATE. No write-in  
 22 vote for library district trustee in a library district election shall be  
 23 counted unless a declaration of intent has been filed indicating that the  
 24 person desires the office and is legally qualified to assume the duties of  
 25 library trustee if elected. The declaration of intent shall be filed with  
 26 the clerk of the library board ~~not later than forty-five (45) days before the~~  
 27 ~~day of election~~ during the time period provided in section 34-1407, Idaho  
 28 Code.

29 SECTION 5. That Section 34-106, Idaho Code, be, and the same is hereby  
 30 amended to read as follows:

31 34-106. LIMITATION ~~UPON~~ ON ELECTIONS. On and after January 1, 2011,  
 32 notwithstanding any other provisions of the law to the contrary, there shall  
 33 be no more than two (2) elections conducted in any county in any calendar  
 34 year, except as provided in this section or section 34-220, Idaho Code, and  
 35 except that elections to fill vacancies in the United States house of repre-  
 36 sentatives shall be held as provided in the governor's proclamation.

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

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

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

40 (c) In addition to the elections specified in paragraphs (a) and (b) of  
 41 this subsection and subsection (7) of this section, an emergency elec-  
 42 tion may be called upon motion of the governing board of a political sub-  
 43 division. An emergency exists when there is a great public calamity,  
 44 such as an extraordinary fire, flood, storm, epidemic, or other disas-  
 45 ter, or when it is necessary to do emergency work to prepare for national  
 46 or local defense or to safeguard life, health or property.

1 (2) Candidates for office elected in May shall take office on the date  
2 specified in the certificate of election but not more than sixty (60) days  
3 following the election.

4 (3) Candidates for office elected in November shall take office as pro-  
5 vided in the constitution or on January 1 next succeeding the November elec-  
6 tion.

7 (4) The governing board of each political subdivision subject to the  
8 provisions of this section that, prior to January 1, 2011, conducted an elec-  
9 tion for members of that governing board on a date other than a date permit-  
10 ted in subsection (1) of this section shall establish as the election date  
11 for that political subdivision the date authorized in subsection (1) of this  
12 section that falls nearest the date on which elections were previously con-  
13 ducted, unless another date is established by law.

14 (5) The secretary of state is authorized to provide such assistance as  
15 necessary and to prescribe any needed rules or interpretations for the con-  
16 duct of an election authorized under the provisions of this section.

17 (6) Water districts governed by chapter 6, title 42, Idaho Code, are ex-  
18 empt from the provisions of this section.

19 (7) Community colleges governed by chapter 21, title 33, Idaho Code,  
20 and school districts are subject to the limitations specified in subsection  
21 (1) of this section.

22 (8) A city initiative or referendum election shall be held on the Tues-  
23 day following the first Monday in November of odd-numbered years. A county  
24 initiative or referendum election or a bond, levy ~~and any or~~ other ballot  
25 question ~~elections~~ election conducted by any political subdivision shall be  
26 held on the nearest date authorized in subsection (1) of this section ~~that~~  
27 ~~falls more than sixty (60) days after the clerk of the political subdivision~~  
28 ~~orders that such election shall be held in May or November of even-numbered~~  
29 ~~years or more than fifty (50) days after the order for all other elections,~~  
30 ~~unless otherwise provided by law. Ballot as long as the ballot language for~~  
31 any question to be placed on the ballot ~~shall be~~ is submitted to the county  
32 clerk at ~~least sixty (60) days before an election held in May or November of~~  
33 ~~even-numbered years and at least fifty (50) days before all other elections~~  
34 no later than 5:00 p.m. on the tenth Friday before the election.

35 (9) Recall elections may be held on any of the ~~three (3)~~ dates autho-  
36 rized in ~~subsections (1) and (7)~~ subsection (1) of this section ~~that fall~~  
37 ~~more than forty-five (45) days after the clerk of the political subdivision~~  
38 ~~orders that such election shall be held~~ as long as the recall petition is cer-  
39 tified no later than the tenth Friday before the next scheduled election.

40 (10) Irrigation districts governed by title 43, Idaho Code, are subject  
41 to the limitations specified in subsection (1) of this section, except that  
42 irrigation districts may also hold an election on the first Tuesday in Febru-  
43 ary of each year and on the first Tuesday in August of each year on questions  
44 required to be voted ~~upon~~ on by title 43, Idaho Code.

45 SECTION 6. That Section 34-408, Idaho Code, be, and the same is hereby  
46 amended to read as follows:

47 34-408. CLOSING OF REGISTER -- TIME LIMIT. (1) No elector may regis-  
48 ter in the office of the county clerk ~~within twenty-four (24) days preced-~~  
49 ~~ing~~ after 5:00 p.m. on the eleventh day before any election held through-

1 out the county in which he resides for the purpose of voting at such elec-  
 2 tion; provided however, a legible, accurate and complete registration ap-  
 3 plication received in the office of the county clerk during the ~~twenty-four~~  
 4 ~~(24)~~ eleven (11) day period preceding an election shall be accepted and held  
 5 by the county clerk until the day following the election when registration  
 6 reopens, at which time the registration shall become effective. This dead-  
 7 line shall also apply to any registrars the county clerk may have appointed.

8 (2) Any elector who will complete his residence requirement or attain  
 9 the requisite voting age during the period when the register of electors is  
 10 closed may register prior to the closing of the register.

11 (3) Notwithstanding subsection (1) of this section, an individual who  
 12 is eligible to vote may also register, upon completing a registration ap-  
 13 plication and showing proof of identity and residence pursuant to section  
 14 34-411, Idaho Code, at the absent electors' polling place provided in sec-  
 15 tion 34-1006, Idaho Code, or at an early voting station provided in section  
 16 34-1012, Idaho Code.

17 SECTION 7. That Section 34-410, Idaho Code, be, and the same is hereby  
 18 amended to read as follows:

19 34-410. MAIL REGISTRATION. (1) Any elector may register by mail for  
 20 any election. Any mail registration application must be received by the  
 21 county clerk prior to the close of registration as provided in section  
 22 34-408, Idaho Code, ~~provided that any mail registration application post-~~  
 23 ~~marked not later than twenty-five (25) days prior to an election shall be~~  
 24 ~~deemed timely.~~

25 (2) The secretary of state shall prescribe the form for the mail regis-  
 26 tration application.

27 (3) The mail application form shall be available for distribution  
 28 through governmental and private entities, with particular emphasis on mak-  
 29 ing them available for organized voter registration programs.

30 (4) Any federal mail registration form adopted pursuant to the provi-  
 31 sions of the national voter registration act of 1993, (P.L. 103-31), shall  
 32 also be accepted as a valid registration, ~~if such form is postmarked not~~  
 33 ~~later than twenty-five (25) days prior to an election it is received no later~~  
 34 ~~than 5:00 p.m. on the eleventh day before the election.~~

35 (5) The county clerk shall prepare and issue by first class nonforward-  
 36 able mail to each elector registering by mail a verification of registration  
 37 containing the name and residence of the elector and the name or number of the  
 38 precinct in which the elector resides. A verification returned undeliver-  
 39 able shall cause the county clerk to remove the elector's card from the reg-  
 40 ister of electors.

41 (6) As required by the help America vote act of 2002, (P.L. 107-252), a  
 42 copy of proper identification will be required prior to issuance of a ballot  
 43 to anyone who has registered by mail and has not previously voted in an elec-  
 44 tion for federal office in the state. Proper identification shall meet the  
 45 requirements of section 34-411(3) and (4), Idaho Code.

46 SECTION 8. That Section 34-625, Idaho Code, be, and the same is hereby  
 47 amended to read as follows:

1           34-625. ELECTION OF HIGHWAY DISTRICT COMMISSIONERS IN SINGLE COUNTY-  
2 WIDE DISTRICTS -- QUALIFICATIONS. (1) In each general election, highway dis-  
3 trict commissioners in single countywide districts shall be elected as pro-  
4 vided for in section 40-1404, Idaho Code.

5           (2) No person shall be elected to the office of highway district commis-  
6 sioner unless he shall have attained the age of twenty-one (21) years at the  
7 time of his election, is a citizen of the United States, and shall be a res-  
8 ident of the highway district commissioner's subdistrict for which he seeks  
9 office.

10          (3) Each candidate shall file a declaration of candidacy with the  
11 county clerk ~~not less than ninety (90) days prior to the general election~~  
12 during the time period provided in section 34-1404, Idaho Code. Each dec-  
13 laration of candidacy shall also bear the following words: "I am a resident  
14 within the boundaries of Highway District Commissioner's Subdistrict Number  
15 ....."

16          (4) Each candidate who files a declaration of candidacy shall at the  
17 same time pay a filing fee of ten dollars (\$10.00) which shall be deposited in  
18 the county current expense fund.

19          SECTION 9. That Section 34-625A, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21          34-625A. ELECTION OF HIGHWAY DISTRICT COMMISSIONERS IN CERTAIN SINGLE  
22 COUNTYWIDE DISTRICTS -- QUALIFICATIONS. (1) In each general election, high-  
23 way district commissioners in single countywide districts shall be elected  
24 as provided for in section 40-1404A, Idaho Code.

25          (2) No person shall be elected to the office of highway district commis-  
26 sioner unless he shall have attained the age of twenty-one (21) years at the  
27 time of his election, is a citizen of the United States, and shall be a res-  
28 ident of the highway district commissioner's subdistrict for which he seeks  
29 office.

30          (3) Each candidate shall file a declaration of candidacy with the  
31 county clerk ~~not less than ninety (90) days prior to the general election~~  
32 during the time period provided in section 34-1404, Idaho Code. Each dec-  
33 laration of candidacy shall also bear the following words: "I am a resident  
34 within the boundaries of Highway District Commissioner's Subdistrict Number  
35 ....."

36          (4) Each candidate who files a declaration of candidacy shall at the  
37 same time pay a filing fee of ten dollars (\$10.00) which shall be deposited in  
38 the county current expense fund.

39          SECTION 10. That Section 34-702A, Idaho Code, be, and the same is hereby  
40 amended to read as follows:

41          34-702A. DECLARATION OF INTENT FOR WRITE-IN CANDIDATES. (1) No  
42 write-in vote for any office in a primary, special, or general election  
43 shall be counted unless a completed declaration of intent form has been filed  
44 indicating that the person desires the office and is legally qualified to  
45 assume the duties of said office if elected. ~~The declaration of intent shall~~  
46 ~~be filed with the secretary of state if for a federal, state, or legislative~~  
47 ~~district office and with the county clerk if for a county or party precinct~~

1 ~~committeeman office. Such declaration of intent shall be filed no later than~~  
 2 ~~the ninth Friday before the day of election.~~

3 (2) The declaration of intent for write-in candidates for federal,  
 4 state, or legislative district offices shall be filed with the secretary  
 5 of state no later than 5:00 p.m. on the eleventh Friday before the primary  
 6 election.

7 (3) The declaration of intent for write-in candidates for county or  
 8 party precinct committeeman office shall be filed with the county clerk no  
 9 later than 5:00 p.m. on the ninth Friday before the primary election.

10 (4) For a write-in candidate for president, the declaration shall in-  
 11 clude a certification of the write-in candidate's vice presidential and  
 12 presidential electors, all of whom must be qualified to serve in their re-  
 13 spective offices. The secretary of state shall prescribe the form for said  
 14 declarations.

15 ~~(2)~~ (5) In those counties that utilize optical scan ballots, an elector  
 16 shall not place on the ballot a sticker bearing the name of a person or use any  
 17 other method or device, except writing, to vote for a person whose name is not  
 18 printed on the ballot.

19 SECTION 11. That Section 34-704, Idaho Code, be, and the same is hereby  
 20 amended to read as follows:

21 34-704. DECLARATION OF CANDIDACY. (1) Any person legally qualified to  
 22 hold such office is entitled to become a candidate and file ~~his a~~ a declara-  
 23 tion of candidacy. ~~Each political party candidate for precinct, state, dis-~~  
 24 ~~trict or county office shall file his declaration of candidacy in the proper~~  
 25 ~~office between 8:00 a.m. on the twelfth Monday preceding the primary elec-~~  
 26 ~~tion and 5:00 p.m. on the tenth Friday preceding the primary election.~~ All  
 27 political party candidates shall declare their party affiliation in their  
 28 declaration of candidacy and shall be affiliated with a party at the time of  
 29 filing. A candidate shall be deemed affiliated with the political party if  
 30 the candidate submits a party affiliation form along with the declaration of  
 31 candidacy to the appropriate filing official. The filing official shall re-  
 32 ject any declaration of candidacy for partisan office in a primary election  
 33 from candidates who are not affiliated with a political party. Candidates  
 34 for nonpartisan office shall file during the period provided for in this sec-  
 35 tion.

36 (2) Each political party candidate for federal, state, or legislative  
 37 district office shall file a declaration of candidacy with the secretary of  
 38 state's office between 8:00 a.m. on the thirteenth Monday before the primary  
 39 election and 5:00 p.m. on the twelfth Friday before the primary election.

40 (3) Each political party candidate for county or precinct committeeman  
 41 office shall file a declaration of candidacy with the county clerk's office  
 42 between 8:00 a.m. on the twelfth Monday before the primary election and 5:00  
 43 p.m. on the tenth Friday before the primary election.

44 ~~(2)~~ (4) Candidates who file a declaration of candidacy under a party  
 45 name and are not nominated at the primary election shall not be allowed to ap-  
 46 pear on the general election ballot under any other political party name, ~~nor~~  
 47 or as an independent candidate.

48 ~~(3)~~ (5) Independent candidates shall file their declaration of candi-  
 49 dacy in the manner provided in section 34-708, Idaho Code.



1       ~~(4)~~ (6) All information in declarations of candidacy shall be made pub-  
 2 licly available upon request, except that the Idaho residential street ad-  
 3 dress and telephone number of a judicial officer may be exempt from disclo-  
 4 sure pursuant to sections 19-6202 and 74-106(30), Idaho Code.

5       SECTION 12. That Section 34-705, Idaho Code, be, and the same is hereby  
 6 amended to read as follows:

7       34-705. WITH WHOM DECLARATIONS FILED. (1) All candidates for county  
 8 offices, whether political party candidates or independent candidates, and  
 9 all political party candidates for precinct offices shall file their decla-  
 10 rations of candidacy with the county clerk of their respective counties. All  
 11 candidates for district, state and federal offices shall file their declara-  
 12 tions of candidacy with the secretary of state.

13       (2) The secretary of state shall certify to the county clerks, ~~within~~  
 14 ~~ten (10) days after the filing deadline~~ no later than 5:00 p.m. on the tenth  
 15 Friday before the primary election, the names of the political party candi-  
 16 dates who filed for federal, state, and legislative district offices and are  
 17 qualified for placement on the ballot.

18       (3) The secretary of state shall certify the name of a candidate being  
 19 appointed by the appropriate central committee pursuant to section 34-714,  
 20 Idaho Code, by no later than the next business day after the appointment is  
 21 received in the secretary of state's office, if received after the certifi-  
 22 cation of candidates to the county clerks under subsection (2) of this sec-  
 23 tion.

24       SECTION 13. That Section 34-712, Idaho Code, be, and the same is hereby  
 25 amended to read as follows:

26       34-712. SAMPLE FORM FOR PRIMARY ELECTION BALLOTS. The secretary of  
 27 state shall provide the sample form of the primary election ballot to each of  
 28 the county clerks ~~no later than forty (40) days prior to the primary~~ no later  
 29 than the ninth Friday before the primary election. The sample ballot shall  
 30 contain the proper political party candidates to be voted ~~upon~~ on within  
 31 the county whose declarations were filed and certified in the office of the  
 32 secretary of state with instructions for the placing of political party  
 33 candidates seeking the political party nomination for county and precinct  
 34 offices. If a county is within more than one (1) legislative district, the  
 35 secretary of state shall provide a sample ballot for each legislative dis-  
 36 trict ~~which~~ that includes part of the county.

37       SECTION 14. That Section 34-714, Idaho Code, be, and the same is hereby  
 38 amended to read as follows:

39       34-714. FILLING VACANCIES IN SLATE OF POLITICAL PARTY CANDIDATES OC-  
 40 CURRING PRIOR TO PRIMARY ELECTION. (1) Vacancies that occur before the pri-  
 41 mary election in the slate of candidates of any political party because of  
 42 the death, disqualification for any reason, or withdrawal from the nomina-  
 43 tion process by the candidate, shall be filled in the following manner if  
 44 there is only one (1) candidate declared for that particular office:

1 (a) By the county central committee if the vacancy occurs for the office  
2 of precinct committeeman or for a county office.

3 (b) By the legislative district central committee if the vacancy occurs  
4 for the office of state representative or state senator.

5 (c) By the state central committee if the vacancy occurs for a federal  
6 or state office.

7 The county and legislative district central committee shall fill the  
8 vacancy within fifteen (15) days from the date the vacancy occurred. The  
9 state central committee shall fill the vacancy within thirty (30) days from  
10 the date the vacancy occurred, but no later than 5:00 p.m. on the eighth  
11 Friday before the primary election.

12 Any political party candidate so appointed by the proper central com-  
13 mittee must, in order to have his name on the primary ballot, file a declara-  
14 tion of candidacy and pay the required filing fee no later than 5:00 p.m. on  
15 the eighth Friday before the primary election.

16 (2) No central committee shall fill any vacancy ~~which that~~ occurs  
17 ~~within ten (10) days prior to~~ after 5:00 p.m. on the eighth Friday before the  
18 primary election. Vacancies which that occur during this ten (10) day pe-  
19 riod after this date because of the death, disqualification for any reason,  
20 or withdrawal from the nomination process by the candidate shall be filled  
21 according to the provisions of section 34-715, Idaho Code.

22 (3) Vacancies that occur in a slate of candidates for precinct commit-  
23 teeman ~~within ten (10) days prior to~~ after 5:00 p.m. on the eighth Friday be-  
24 fore the primary election shall not be filled.

25 SECTION 15. That Section 34-715, Idaho Code, be, and the same is hereby  
26 amended to read as follows:

27 34-715. FILLING OF VACANCIES OCCURRING BEFORE OR AFTER PRIMARY ELEC-  
28 TION. (1) Vacancies that occur during the ten (10) day period after 5:00 p.m.  
29 on the eighth Friday before a primary election, or after the primary election  
30 but at least ten (10) days before 5:00 p.m. on the eighth Friday before the  
31 general election in the slate of candidates of any political party because  
32 of the death or disqualification for any reason of a candidate, except can-  
33 didates for precinct committeeman, shall be filled in the following manner  
34 if there is only one (1) candidate declared from the political party for that  
35 particular office:

36 ~~(1)~~ (a) By the county central committee if it is a vacancy by a candidate  
37 for a county office.

38 ~~(2)~~ (b) By the legislative district central committee if it is a vacancy  
39 by a candidate for the state legislature.

40 ~~(3)~~ (c) By the state central committee if it is a vacancy by a candidate  
41 for a federal or a state office.

42 (d) If the party candidate for a particular office dies or is disquali-  
43 fied after 5:00 p.m. on the eighth Friday before the general election,  
44 such candidate's name shall remain on the ballot. If the deceased or  
45 disqualified candidate wins the general election, the resulting va-  
46 cancy shall be filled pursuant to chapter 9, title 59, Idaho Code.

47 (2) The county and legislative district central committee shall fill  
48 the vacancy within fifteen (15) days from the date the vacancy occurred. The  
49 state central committee shall fill the vacancy within thirty (30) days from

1 the date the vacancy occurred, but no later than 5:00 p.m. on the eighth Fri-  
 2 day before the general election.

3 (3) Any political party candidate so appointed by the proper central  
 4 committee must, in order to have his name on the general ballot, file a dec-  
 5 laration of candidacy and pay the required filing fee no later than 5:00 p.m.  
 6 on the eighth Friday before the general election.

7 (4) Vacancies that occur in a slate of candidates for precinct commit-  
 8 teeman ~~within ten (10) days prior to~~ after 5:00 p.m. on the eighth Friday be-  
 9 fore the primary election shall not be filled.

10 SECTION 16. That Section 34-717, Idaho Code, be, and the same is hereby  
 11 amended to read as follows:

12 34-717. WITHDRAWAL OF CANDIDACY. (1) A candidate for nomination or  
 13 candidate for election to a partisan office may withdraw from the election  
 14 by filing a notarized statement of withdrawal with the officer with whom his  
 15 declaration of candidacy was filed. The statement must contain all informa-  
 16 tion necessary to identify the candidate and the office sought and the reason  
 17 for withdrawal. The filing officer shall immediately notify the proper  
 18 central committee of the party, if any, of the individual withdrawing. A  
 19 ~~candidate may not withdraw later than forty-five (45) days before an elec-~~  
 20 ~~tion, except in the case of a primary election, when the deadline shall be~~  
 21 ~~no later than the eighth Friday preceding the primary election, or a general~~  
 22 ~~election, when the deadline shall be no later than September 7. Filing fees~~  
 23 ~~paid by the candidate shall not be refunded.~~

24 (2) A candidate for federal, state, or legislative district office may  
 25 not withdraw later than 5:00 p.m. on the eleventh Friday before a primary  
 26 election or 5:00 p.m. on the ninth Friday before a general election. Filing  
 27 fees paid by the candidate shall not be refunded.

28 (3) A candidate for county or precinct committeeman office may not  
 29 withdraw later than 5:00 p.m. on the ninth Friday before any election. Fil-  
 30 ing fees paid by the candidate shall not be refunded.

31 ~~(2)~~ (4) Any candidate who has filed a statement of withdrawal pursuant  
 32 to this section shall not be allowed to be appointed to fill a vacancy unless  
 33 such vacancy occurs because of the death of a previous candidate.

34 SECTION 17. That Section 34-1012, Idaho Code, be, and the same is hereby  
 35 amended to read as follows:

36 34-1012. ALTERNATIVE PROCEDURES FOR ABSENTEE VOTING -- EARLY VOT-  
 37 ING. (1) Those counties that utilize absentee voting facilities that have  
 38 access to the Idaho statewide voter registration system and count ballots at  
 39 a central location or utilize a polling location-based tabulation system may  
 40 elect to conduct "early voting" according to the provisions of this section.  
 41 For those counties that elect to do "early voting," early voting shall begin  
 42 on or ~~before~~ after the ~~third~~ fourth Monday before the election and end at 5:00  
 43 p.m. on the Friday before the election. Primary election ballots shall be  
 44 issued pursuant to section 34-1002(2), Idaho Code.

45 (2) A voter who appears at an "early voting" station to vote shall state  
 46 his or her name and address to the election official and present the voter's  
 47 identification as required by sections 34-1113 and 34-1114, Idaho Code.

1 (3) The election official shall examine the records to ascertain  
2 whether or not such applicant is registered and lawfully entitled to vote  
3 as requested. The provisions of section 34-408A, Idaho Code, authorizing  
4 election day registration shall also apply in determining the applicant's  
5 qualifications to vote.

6 (4) Before receiving a ballot, each elector shall sign his or her name  
7 in the election register and poll book provided for early voting.

8 (5) The elector shall then be given the appropriate ballots contain-  
9 ing the official election ballot identification pursuant to section 34-901,  
10 Idaho Code, and shall be given folding instructions for such ballots, if ap-  
11 propriate.

12 (6) Upon receipt of the ballots, the elector shall retire to a vacant  
13 voting booth and mark the ballots according to the instructions provided.

14 (7) After marking the ballot, the elector shall present himself or her-  
15 self to the election official at the ballot box and state his or her name and  
16 address. The elector shall then deposit the ballot in the ballot box or hand  
17 it to the election official, who shall deposit it. The election official  
18 shall then record that the elector has voted and proclaim the same in an audi-  
19 ble voice.

20 (8) Voters requiring assistance shall be provided with such assistance  
21 in accordance with section 34-1108, Idaho Code.

22 (9) Electioneering is prohibited at an early voting polling place as  
23 provided in section 18-2318, Idaho Code.

24 SECTION 18. That Section 34-1205, Idaho Code, be, and the same is hereby  
25 amended to read as follows:

26 34-1205. COUNTY BOARD OF CANVASSERS -- MEETINGS. The county board of  
27 commissioners shall be the county board of canvassers and the county clerk  
28 shall serve as ~~their~~ its secretary for this purpose. The county board of can-  
29 vassers shall meet within ~~seven (7)~~ nine (9) days after a ~~primary election~~  
30 ~~and within ten (10) days after a general~~ an election for the purpose of can-  
31 vassing the election returns of all precincts within the county.

32 SECTION 19. That Section 34-1404, Idaho Code, be, and the same is hereby  
33 amended to read as follows:

34 34-1404. DECLARATION OF CANDIDACY. (1) Candidates for election in any  
35 political subdivision shall be nominated by nominating petitions, each of  
36 which shall bear the name of the nominee, the office for which the nomina-  
37 tion is made, the term for which nomination is made, and the signature of not  
38 less than five (5) electors of the candidate's specific zone or district of  
39 the political subdivision, ~~and~~ shall be filed with the clerk of the political  
40 subdivision.

41 (2) The form of the nominating petition shall be as provided by the  
42 county clerk and shall be uniform for all political subdivisions.

43 (3) ~~For an election to be held on the third Tuesday in May, in even-~~  
44 ~~numbered years, the~~ The nomination petition shall be filed ~~during the pe-~~  
45 ~~riod specified in section 34-704, Idaho Code~~ beginning at 8:00 a.m. on the  
46 twelfth Monday before the election and no later than 5:00 p.m. on the tenth  
47 Friday before such election. The clerk of the political subdivision shall

1 notify the county clerk within twenty-four (24) hours of receipt of the fil-  
2 ing and verify the qualifications of the nominees and shall, no more than  
3 seven (7) days after the close of filing, certify the nominees to be placed  
4 on the ballot of the political subdivision. For an election to be held on the  
5 first Tuesday after the first Monday of November, in even-numbered years,  
6 the nomination shall be filed on or before September 1. The clerk of the  
7 political subdivision shall verify the qualifications of the nominees and  
8 shall, no more than seven (7) days after the close of filing, certify the nom-  
9 inees to be placed on the ballot of the political subdivisions. For all other  
10 elections, the nomination shall be filed not later than 5:00 p.m. on the  
11 ninth Friday preceding the election for which the nomination is made. The  
12 clerk of the political subdivision shall verify the qualifications of the  
13 nominee and shall, no more than seven (7) days following the filing, certify  
14 the nominees to be placed on the ballot of the political subdivision.

15 ~~(2)~~ (4) Nominating petitions shall include campaign contact informa-  
16 tion for candidates, including phone numbers and email addresses.

17 ~~(3)~~ (5) All information in nominating petitions shall be made publicly  
18 available upon request.

19 SECTION 20. That Section 34-1405A, Idaho Code, be, and the same is  
20 hereby amended to read as follows:

21 34-1405A. WITHDRAWAL OF CANDIDACY. A candidate for nomination or can-  
22 didate for election to an office may withdraw from the election by filing a  
23 notarized statement of withdrawal with the officer with whom his declaration  
24 of candidacy was filed. The statement must contain all information neces-  
25 sary to identify the candidate and the office sought and the reason for with-  
26 drawal. A candidate may not withdraw later than ~~forty-six (46) days~~ 5:00  
27 p.m. on the ninth Friday before an election.

28 SECTION 21. That Section 34-1407, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 34-1407. WRITE-IN CANDIDATES. (1) No write-in candidate for any non-  
31 partisan elective office shall be counted unless a declaration of intent has  
32 been filed indicating that the person desires the office and is legally qual-  
33 ified to assume the duties of the office. The declaration of intent shall be  
34 filed with the clerk of the political subdivision by no later than 5:00 p.m.  
35 on the ~~eighth~~ ninth Friday before the date of the election.

36 (2) If the statutes governing elections within a specific political  
37 subdivision provide that no election shall be held in the event that no  
38 more than one (1) candidate has filed for an office, that statute shall be  
39 interpreted in such a manner as to allow for filing a declaration of intent  
40 for a write-in candidate until ~~the eighth Friday preceding~~ 5:00 p.m. on the  
41 ninth Friday before the election. However, if no candidate has filed within  
42 that time, no election shall be held for that political subdivision. The  
43 provisions of this section shall not apply to federal, state, or legislative  
44 district candidates in the primary ~~or general~~ election covered by the provi-  
45 sions of section 34-702A, Idaho Code.

1 SECTION 22. That Section 40-1305C, Idaho Code, be, and the same is  
2 hereby amended to read as follows:

3 40-1305C. DECLARATION OF CANDIDACY -- QUALIFICATIONS. (1) Candidates  
4 for election as a highway district commissioner shall be nominated by nomi-  
5 nating petitions, each of which shall bear the name of the nominee, the sub-  
6 district for which the nomination is made, the term for which nomination is  
7 made, bear the signature of ~~not~~ no less than five (5) electors of the can-  
8 didate's specific subdistrict, and be filed with the election official of  
9 the highway district. The form of the nominating petition shall be as pro-  
10 vided by the county clerk. The nomination shall be filed ~~not later than 5:00~~  
11 ~~p.m. on the sixth Friday preceding the election for which the nomination is~~  
12 ~~made. The election official shall during the time period provided in section~~  
13 ~~34-1404, Idaho Code. The clerk of the political subdivision shall notify~~  
14 ~~the county clerk within twenty-four (24) hours of receipt of the filing and~~  
15 ~~verify the qualifications of the nominee, and shall not, no~~ more than seven  
16 (7) days following the filing, shall certify the nominees to be placed on the  
17 ballot.

18 (2) A nominee shall qualify for the office of highway district commis-  
19 sioner if such nominee:  
20 (a) Has attained the age of twenty-one (21) years at the time of his  
21 election; and  
22 (b) Is a citizen of the United States; and  
23 (c) Is a resident of the highway district commissioner's subdistrict  
24 for which he seeks office.

25 SECTION 23. That Section 42-3211a, Idaho Code, be, and the same is  
26 hereby repealed.

27 SECTION 24. That Section 50-407, Idaho Code, be, and the same is hereby  
28 amended to read as follows:

29 50-407. FORM OF DECLARATION OF CANDIDACY. Declarations of candidacy  
30 and petitions of candidacy shall read substantially as herein set forth. Any  
31 number of separate petitions of candidacy may be circulated at the same time  
32 for any candidate and all petitions for each candidate shall be considered  
33 one (1) petition when filed with the city clerk. Each signer of a petition  
34 shall be a registered qualified elector.

35 DECLARATION OF CANDIDACY

36 I, the undersigned, affirm that I am a qualified elector of the City of  
37 ....., State of Idaho, and that I have resided in the city for at least  
38 thirty (30) days. I hereby declare myself to be a candidate for the office  
39 of ....., for a term of .... years, to be voted for at the election  
40 to be held on the .... day of ....., ....., and certify that I possess the  
41 legal qualifications to fill said office, and that my residence address is  
42 .....

43 (Signed) .....

44 Subscribed and sworn to before me this .... day of ....., .....

1 .....  
2 Notary Public

3 State of Idaho  
4 County of ..... ss.  
5 City of .....

PETITION OF CANDIDACY

7 OF .....  
8 (NAME OF CANDIDATE)  
9 FOR OFFICE OF .....

10 This petition must be filed in the office of the City Clerk ~~not no~~ no ear-  
11 lier than 8:00 a.m. on the ~~eleventh~~ twelfth Monday ~~nor and no~~ later than  
12 5:00 p.m. on the ~~ninth~~ tenth Friday ~~immediately preceding before~~ election  
13 day. The submitted petition must have affixed thereto the names of at least  
14 five (5) qualified electors who reside within the appropriate city.

15 I, the undersigned, being a qualified elector of the City of  
16 ....., in the State of Idaho, do hereby certify and declare that I  
17 reside at the place set opposite my name and that I do hereby join in the pe-  
18 tition of ....., a candidate for the office of .....  
19 to be voted at the election to be held on the .... day of ....., .....

20	Signature of Petitioner	Printed Name	Residence Address	Date Signed
21	.....	.....	.....	.....
22	.....	.....	.....	.....
23	.....	.....	.....	.....
24	.....	.....	.....	.....
25	.....	.....	.....	.....
26	.....	.....	.....	.....
27	.....	.....	.....	.....
28	.....	.....	.....	.....
29	.....	.....	.....	.....
30	.....	.....	.....	.....
31	.....	.....	.....	.....
32	.....	.....	.....	.....

33 STATE OF IDAHO  
34 County of .....

1 I, ....., being first duly sworn, say: That I am a  
2 resident of the State of Idaho and at least eighteen (18) years of age; that  
3 every person who signed this sheet of the foregoing petition signed his or  
4 her name thereto in my presence; I believe that each has stated his or her  
5 name and residence address correctly; and that each signer is a qualified  
6 elector of the State of Idaho, and the City of .....

7 Signed .....

8 Address .....

9 Subscribed and sworn to before me this ..... day of ....., .....

10 Signed Notary Public .....

11 Residing at .....

12 Commission expires .....

13 (Notary Seal)

14 SECTION 25. That Section 50-410, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 50-410. TIME AND MANNER OF FILING DECLARATIONS. (1) All declarations  
17 of candidacy for elective city offices shall be filed with the clerk of the  
18 respective city wherein the elections are to be held ~~not earlier than 8:00~~  
19 ~~a.m. on the eleventh Monday nor later than 5:00 p.m. on the ninth Friday,~~  
20 ~~immediately preceding election day~~ during the time period provided in sec-  
21 tion 34-1404, Idaho Code. Before a candidate files a petition of candidacy  
22 with the city clerk, the petition signatures shall be verified by the county  
23 clerk in the manner described in section 34-1807, Idaho Code, except that the  
24 city clerk shall stand in place of the secretary of state. Before any dec-  
25 laration of candidacy and filing fee or petition of candidacy mentioned in  
26 section 50-407, Idaho Code, can be filed, the city clerk shall ascertain that  
27 it conforms to the provisions of chapter 4, title 50, Idaho Code. ~~The city~~  
28 ~~clerk shall not accept any declarations of candidacy after 5:00 p.m. on the~~  
29 ~~ninth Friday immediately preceding election day.~~ Write-in candidates shall  
30 be governed by section ~~34-702A~~ 34-1407, Idaho Code, ~~but shall file the decla-~~  
31 ~~rations required in that section with the city clerk.~~

32 (2) A person shall not be permitted to file a declaration of candidacy  
33 for more than one (1) office in any city election.

34 SECTION 26. That Section 67-4911, Idaho Code, be, and the same is hereby  
35 amended to read as follows:

36 67-4911. ELECTIONS -- TERMS OF OFFICE. (1) On an election date as pro-  
37 vided for in section 34-106(1), Idaho Code, in May of the first odd-numbered  
38 year after the organization of any district, and every second year there-  
39 after, an election shall be held, which shall be known as the biennial elec-  
40 tion of the district.

41 (2) At the first biennial election in any district hereafter organized,  
42 and each sixth year thereafter, there shall be elected by the qualified elec-  
43 tors of the district, one (1) member of the board to serve for a term of six  
44 (6) years; at the second biennial election and each sixth year thereafter,



1 there shall be elected two (2) members of the board to serve for terms of six  
2 (6) years, and at the third biennial election, and each sixth year there-  
3 after, there shall be elected two (2) members of the board to serve for terms  
4 of six (6) years. Provided, a member of the board once in office shall serve  
5 until his successor is elected, qualified and takes office.

6 ~~(3) Not later than 5:00 p.m. on the ninth Friday before any such elec-~~  
7 ~~tion, nominations may be filed with the secretary of the board. Nominations~~  
8 ~~may be filed during the time period provided in section 34-1404, Idaho Code.~~  
9 The county clerk shall provide for holding such election and shall appoint  
10 judges to conduct it. The county clerk shall give notice of election by pub-  
11 lication, and shall arrange such other details in connection therewith. Ad-  
12 equate polling places shall be provided throughout the district boundaries  
13 for all elections.

14 (4) The returns of the election shall be certified to and shall be  
15 canvassed and declared by the board of county commissioners which shall  
16 report the results to the district. The candidate or candidates, according  
17 to the number of directors to be elected, receiving the most votes, shall  
18 be elected. Any new member of the board shall qualify in the same manner as  
19 members of the first board qualify.

20 (5) In any election for director, if after the deadline for filing a  
21 declaration of intent as a write-in candidate, it appears that the number of  
22 qualified candidates who have been nominated is equal to the number of di-  
23 rectors to be elected, it shall not be necessary for the candidates to stand  
24 for election, and the board shall declare such candidates elected as direc-  
25 tors, and the secretary of the board shall immediately make and deliver to  
26 such persons certificates of election signed by him and bearing the seal of  
27 the district.

28 SECTION 27. That Section 70-1108, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 70-1108. DISTRICT FORMATION. Within ~~five (5)~~ nine (9) days after such  
31 election the board of county commissioners shall canvass the returns; and,  
32 if at such election a majority of the voters voting ~~upon~~ on such proposition  
33 shall vote in favor of the formation of such district, the board of county  
34 commissioners shall so declare in its canvass of the returns of such elec-  
35 tion, and such port district shall thereupon be and become a municipal corpo-  
36 ration of the state of Idaho and the name of each port district shall be "Port  
37 of ...." (inserting the name appearing on the ballot).

38 SECTION 28. That Section 19-6203, Idaho Code, be, and the same is hereby  
39 amended to read as follows:

40 19-6203. ADDRESS CONFIDENTIALITY -- ELIGIBILITY. (1) Judicial offi-  
41 cers desiring that their Idaho residential street address and telephone num-  
42 ber and the Idaho residential street address and telephone number of their  
43 residing household members be exempt from disclosure pursuant to this chap-  
44 ter and sections ~~34-704(4)~~ 34-704(6) and 74-106(30), Idaho Code, may submit  
45 an application and a fee, if any, to the custodian of the public record that  
46 contains such information. Upon receipt of such application and fee, the  
47 public agency shall comply with the provisions of this chapter for a period

1 of four (4) years. Thereafter, judicial officers may renew the exemption by  
2 submitting a new application and fee, if any. The public agency may estab-  
3 lish a fee schedule not to exceed the actual cost to the agency of complying  
4 with the provisions of this chapter.

5 (2) Judicial officers may submit an application to a public agency  
6 requesting that the public agency use an alternative Idaho mailing address  
7 rather than the Idaho residential street address of any such officer and of  
8 any such officer's residing household members on all applications and on  
9 all identification cards, licenses, certificates, permits, tags, and other  
10 similar documents that are issued to the officer or to such officer's resid-  
11 ing household members by the public agency. A public agency receiving such  
12 application shall comply with the request.

13 (3) A person shall cease to be eligible for an exemption under this  
14 chapter if such person ceases to be a judicial officer or a residing house-  
15 hold member. Within thirty (30) days of such cessation, the person shall  
16 notify, in writing, every public agency to which the person has made an ap-  
17 plication stating that he is no longer eligible for such exemption. If a  
18 judicial officer changes employment but is still eligible for an exemption  
19 under this chapter, such judicial officer shall, within thirty (30) days  
20 of changing employment, submit a new application to every public agency to  
21 which such officer has made an application.

22 (4) Nothing in this chapter shall prevent a public agency from obtain-  
23 ing the Idaho residential street address and telephone number of a judicial  
24 officer and of any residing household member. A judicial officer who has  
25 submitted an application pursuant to the provisions of this chapter shall  
26 provide his current Idaho residential street address to his employing en-  
27 tity. The judicial officer's employing entity, or any public agency that has  
28 obtained the Idaho residential street address of a judicial officer, shall  
29 upon request identify the county in which the judicial officer's Idaho resi-  
30 dential street address is situated.

31 SECTION 29. An emergency existing therefor, which emergency is hereby  
32 declared to exist, this act shall be in full force and effect on and after  
33 July 1, 2025.