

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 652

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CONSOLIDATION OF ELECTIONS; AMENDING SECTION 31-1410, IDAHO  
2 CODE, AS AMENDED BY SECTION 18, CHAPTER 341, LAWS OF 2009, TO REVISE  
3 PROVISIONS FOR ELECTION OF FIRE PROTECTION DISTRICT COMMISSIONERS;  
4 AMENDING SECTION 33-503A, IDAHO CODE, AS ADDED BY SECTION 41, CHAPTER  
5 341, LAWS OF 2009, TO REVISE PROVISIONS RELATING TO TRANSITION  
6 OF SCHOOL TRUSTEE TERMS FROM THREE YEARS TO FOUR YEARS; REPEALING  
7 SECTION 50, CHAPTER 341, LAWS OF 2009, RELATING TO COMMUNITY COLLEGE  
8 DISTRICTS; AMENDING SECTION 33-2715, IDAHO CODE, AS AMENDED BY SECTION  
9 52, CHAPTER 341, LAWS OF 2009, TO REVISE PROVISIONS FOR ELECTION OF  
10 BOARD OF TRUSTEES OF LIBRARY DISTRICTS; AMENDING SECTION 33-2718,  
11 IDAHO CODE, AS AMENDED BY SECTION 54, CHAPTER 341, LAWS OF 2009, TO  
12 REVISE PROVISIONS FOR ELECTION OF TRUSTEES FOR LIBRARY DISTRICTS;  
13 AMENDING SECTION 34-106, IDAHO CODE, AS AMENDED BY SECTION 55, CHAPTER  
14 341, LAWS OF 2009, TO REVISE PROVISIONS RELATING TO LIMITATION UPON  
15 ELECTIONS; AMENDING SECTION 34-731, IDAHO CODE, TO REVISE PROVISIONS  
16 RELATING TO THE PRESIDENTIAL PREFERENCE VOTE; AMENDING SECTION 34-732,  
17 IDAHO CODE, TO REVISE PROVISIONS FOR SELECTION OF CANDIDATES FOR  
18 NOMINATION IN PRESIDENTIAL PRIMARY; AMENDING SECTION 34-1401, IDAHO  
19 CODE, AS AMENDED BY SECTION 59, CHAPTER 341, LAWS OF 2009, TO REVISE  
20 ELECTION ADMINISTRATION PROVISIONS; AMENDING SECTION 34-1404, IDAHO  
21 CODE, AS AMENDED BY SECTION 60, CHAPTER 341, LAWS OF 2009, TO REVISE  
22 DECLARATION OF CANDIDACY PROVISIONS; AMENDING SECTION 34-1408, IDAHO  
23 CODE, TO REVISE ABSENTEE BALLOT PROVISIONS; AMENDING SECTION 34-1410,  
24 IDAHO CODE, TO REVISE PROVISIONS RELATING TO CANVASSING OF ELECTION  
25 RESULTS; AMENDING SECTION 40-1305, IDAHO CODE, AS AMENDED BY SECTION  
26 75, CHAPTER 341, LAWS OF 2009, TO REVISE PROVISIONS FOR ELECTION OF  
27 HIGHWAY COMMISSIONERS; AMENDING SECTION 42-3207, IDAHO CODE, TO REVISE  
28 PROVISIONS FOR ELECTION AND ORGANIZATION OF A WATER AND SEWER DISTRICT  
29 AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 42-3211, IDAHO  
30 CODE, AS AMENDED BY SECTION 100, CHAPTER 341, LAWS OF 2009, TO REVISE  
31 PROVISIONS FOR ELECTIONS IN WATER AND SEWER DISTRICTS; AMENDING SECTION  
32 161, CHAPTER 341, LAWS OF 2009, TO REVISE EFFECTIVE DATES; DECLARING AN  
33 EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING EFFECTIVE  
34 DATES.  
35

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

37 SECTION 1. That Section 31-1410, Idaho Code, as amended by Section  
38 18, Chapter 341, Laws of 2009, be, and the same is hereby amended to read as  
39 follows:

40 31-1410. ELECTION OF COMMISSIONERS. (1) On the first Tuesday  
41 following the first Monday of November, of the next odd-numbered year,  
42 following the organization of a fire protection district, three (3) fire

1 protection district commissioners shall be elected. Every odd-numbered  
 2 year thereafter, ~~one (1) commissioner shall be elected, except for the~~  
 3 ~~fourth year when no election of a fire commissioner shall occur unless a~~  
 4 ~~fire protection district has voted to increase the size of its board in~~  
 5 ~~accordance with section 31 1410A, Idaho Code~~ an election shall be held for  
 6 the election of fire district commissioners as described in this section.  
 7 For commissioners whose offices expire in 2012 and in any even-numbered  
 8 year, such commissioners shall remain in office until the next election  
 9 in an odd-numbered year. The county clerk shall have power to make such  
 10 regulations for the conduct of such election as are consistent with the  
 11 statutory provisions of chapter 14, title 34, Idaho Code. ~~The county clerk~~  
 12 At their meeting next preceding such election, the board of fire district  
 13 commissioners shall divide the district into three (3) subdistricts  
 14 as nearly equal in population, area and mileage as practicable, to be  
 15 known as fire protection commissioners subdistricts one, two and three.  
 16 Thereafter, the ~~county clerk~~ board of fire district commissioners may revise  
 17 subdistricts when ~~he~~ it deems it necessary due to significant shifts in  
 18 population. Provided however, of the commissioners comprising the board,  
 19 not more than one (1) commissioner shall be an elector of the same fire  
 20 protection commissioners subdistrict. The revision of subdistricts shall  
 21 not disqualify any elected commissioner from the completion of the term  
 22 for which he or she has been duly elected. At the first election following  
 23 organization of a fire protection district, the commissioner from fire  
 24 protection subdistrict one shall be elected to a term of ~~one (1) year~~ two (2)  
 25 years, the commissioner from subdistricts two and three shall be elected to  
 26 a term of ~~two (2)~~ four (4) years, and the commissioner from fire protection  
 27 subdistrict three shall be elected to a term of ~~three (3) years;~~  
 28 thereafter the term of office of all commissioners shall be four (4) years. Such  
 29 elections and all other elections held under this law, shall be held in  
 30 conformity with the general laws of the state including chapter 14, title 34,  
 31 Idaho Code.

32 (2) ~~Upon the unanimous agreement of the existing board of~~  
 33 ~~commissioners, a~~ A fire protection district whose terms and elections were  
 34 established by prior law ~~may elect to~~ shall convert to the election of  
 35 commissioners as provided in subsection (1) of this section. ~~A fire district~~  
 36 ~~may adopt any conversion schedule reflecting the intent of the schedule~~  
 37 ~~provided in subsection (1) of this section, so long as one (1) commissioner~~  
 38 ~~is elected each year, except for the fourth year when no election shall be~~  
 39 ~~held. The conversion schedule shall not result in the extension of the term~~  
 40 ~~of office of any commissioner serving at the time of the conversion.~~

41 (3) In any election for fire protection district commissioner, if after  
 42 the deadline for filing a declaration of intent as a write-in candidate,  
 43 it appears that only one (1) qualified candidate has been nominated for a  
 44 subdistrict to be filled, it shall not be necessary for the candidate of  
 45 that subdistrict to stand for election, and the board of the fire protection  
 46 district shall declare such candidate elected as commissioner, and the  
 47 secretary of the district shall immediately make and deliver to such person a  
 48 certificate of election.

1 The results of any election for fire protection district commissioner  
2 shall be certified by the county clerk of the county or counties of the  
3 district and the results reported to the district.

4 SECTION 2. That Section 33-503A, Idaho Code, as added by Section 41,  
5 Chapter 341, Laws of 2009, be, and the same is hereby amended to read as  
6 follows:

7 33-503A. TRANSITION OF SCHOOL TRUSTEE TERMS FROM THREE YEARS TO FOUR  
8 YEARS. In order to achieve an orderly transition to terms of four (4) years,  
9 and to hold trustee elections in the odd-numbered years, the following  
10 schedule shall be followed:

11 (1) For school districts with five (5) trustees:

12 (a) If two (2) trustees were elected to a regular trustee term in 2007,  
13 and one (1) trustee was elected to a regular term in 2008, then these  
14 three (3) trustees shall each serve a term that expires on July 1, 2011,  
15 and the trustees elected to a regular trustee term in 2009 shall each  
16 serve a term that expires on July 1, 2013.

17 (b) If two (2) trustees were elected to regular trustee terms in 2007,  
18 and two (2) trustees were elected to regular trustee terms in 2008, then  
19 those trustees elected in 2007 shall each serve a term that expires on  
20 July 1, 2011, and those elected in 2008 shall each serve a term that  
21 expires on July 1, 2013, and the trustee elected to a regular trustee  
22 term in 2009 shall serve a term that expires on July 1, 2013.

23 (c) If one (1) trustee was elected to a regular trustee term in 2007, the  
24 trustee shall serve a term that expires on July 1, 2011, and the trustees  
25 elected to a regular trustee term in 2008 shall each serve a term that  
26 expires on July 1, 2013.

27 (2) For school districts with six (6) trustees, two (2) trustees  
28 elected to a regular term in 2007 shall each serve a term that expires on July  
29 1, 2011, and two (2) trustees elected to a regular term in 2009 shall each  
30 serve a term that expires on July 1, 2013, and one (1) of the trustees elected  
31 to a regular term in 2008 shall serve until July 1, 2011, and one (1) of the  
32 trustees elected to a regular term in 2008 shall serve until July 1, 2013,  
33 which shall be determined by the toss of a coin.

34 (3) For school districts with seven (7) trustees, ~~three (3)~~ two (2)  
35 trustees elected to a regular term in 2008 or 2009 shall each serve until  
36 July 1, 2011, and any remainder of the trustees elected in 2008 or 2009 shall  
37 serve until July 1, 2013, which shall be determined by the toss of a coin; and  
38 trustees elected to a regular term in 2010 shall serve until July 1, 2013.

39 (4) For elementary school districts with three (3) trustees, two (2)  
40 trustees elected to a regular term in 2007 and 2008 shall serve until July 1,  
41 2011, and one (1) trustee elected to a regular term in 2009 shall serve until  
42 July 1, 2013.

43 SECTION 3. That Section 50, Chapter 341, Laws of 2009, be, and the same  
44 is hereby repealed.

45 SECTION 4. That Section 33-2715, Idaho Code, as amended by Section  
46 52, Chapter 341, Laws of 2009, be, and the same is hereby amended to read as  
47 follows:

1           33-2715. BOARD OF TRUSTEES -- SELECTION -- NUMBER -- QUALIFICATIONS --  
2 TERM -- OATH -- APPOINTMENT OF FIRST BOARD. (1) Each library district shall  
3 be governed by a board of trustees of five (5) members elected or appointed  
4 as provided by law, who at the time of their selection and during their terms  
5 of office shall be qualified electors of the district and if trustee zones  
6 have been established under section 33-2718, Idaho Code, shall be a resident  
7 of the trustee zone. Trustees shall be elected at each trustee election,  
8 held on the uniform election date in May. The regular term of a trustee  
9 shall be for six (6) years, or until his successor has been elected and  
10 qualified. Within ten (10) days after his appointment an appointed trustee  
11 shall qualify and assume the duties of his office. An elected trustee shall  
12 qualify and assume the duties of his office at the annual meeting. All  
13 trustees qualify by taking the oath of office required of state officers, to  
14 be administered by one (1) of the present trustees or by a trustee retiring.

15           (2) Following the initial establishment of a library district, the  
16 board of county commissioners of the home county within five (5) days shall  
17 appoint the members of the first board of trustees, who shall serve until  
18 the next election of trustees held in an odd-numbered year or until their  
19 successors are elected and qualified in an odd-numbered year. The initial  
20 election of trustees shall be for terms of four (4) years for two (2) trustees  
21 and thereafter their terms shall be for six (6) years, terms of six (6) years  
22 for two (2) trustees and thereafter their terms shall be for six (6) years,  
23 and a term of two (2) years for one (1) trustee and thereafter the term shall  
24 be for six (6) years. Addition of new territory to an existing library  
25 district shall not be considered an initial establishment. The first board  
26 of trustees shall be sworn by a member of the board of county commissioners of  
27 the home county of the district.

28           (3) At its first meeting, and after each trustee election, the board  
29 shall organize and elect from its membership a chairman and other officers  
30 necessary to conduct the affairs of the district.

31           (4) Members of the board shall serve without salary but shall receive  
32 their actual and necessary expenses while engaged in business of the  
33 district.

34           (5) For the purpose of achieving an orderly transition to terms of six  
35 (6) years and to hold trustee elections in odd-numbered years, the following  
36 schedule shall be followed:

37           (a) For trustees elected in 2005, their terms shall expire in 2011 and  
38 the terms for each of those elected in 2011 shall each be six (6) years  
39 and thereafter those terms shall be for six (6) years;

40           (b) For trustees elected in 2006, their terms shall expire in 2011 and  
41 the terms for each of those elected in 2011 shall each be six (6) years  
42 and thereafter those terms shall be for six (6) years;

43           (c) For trustees elected in 2007, their terms shall expire in 2013 and  
44 the terms for each of those elected in 2013 shall each be six (6) years  
45 and thereafter those terms shall be for six (6) years;

46           (d) For trustees elected in 2008, their terms shall expire in 2013 and  
47 the terms for each of those elected in 2013 shall each be six (6) years  
48 and thereafter those terms shall be for six (6) years;

1 (e) For trustees elected in 2009, their terms shall expire in 2015 and  
2 the terms for each of those elected in 2015 shall each be six (6) years  
3 and thereafter those terms shall be for six (6) years;

4 (f) For trustees elected in 2010, their terms shall expire in 2015 and  
5 the terms for each of those elected in 2015 shall be six (6) years and  
6 thereafter those terms shall be for six (6) years.

7 SECTION 5. That Section 33-2718, Idaho Code, as amended by Section  
8 54, Chapter 341, Laws of 2009, be, and the same is hereby amended to read as  
9 follows:

10 33-2718. CREATION OF TRUSTEE ZONES. (1) Each library district may  
11 be divided into five (5) trustee zones with each zone having approximately  
12 the same population. To the maximum extent possible, boundaries of trustee  
13 zones shall follow the existing boundaries of the electoral precincts of  
14 the county. They shall be revised, as necessary, to equalize population  
15 and to follow new electoral precinct boundaries following the publication  
16 of the report of each decennial census. In order for a library district to  
17 be divided into trustee zones, the board of trustees shall pass a motion  
18 declaring the district to be divided into trustee zones and providing a legal  
19 description of each trustee zone. The board of trustees shall transmit the  
20 motion along with the legal description of the trustee zones to the board or  
21 boards of county commissioners in the county or counties where the library  
22 district is contained and to the board of library commissioners. The board  
23 or boards of county commissioners shall have forty-five (45) days from  
24 the receipt of the motion and legal description to reject, by adoption of  
25 a motion, the establishment of trustee zones proposed by formal motion of  
26 the board of trustees of the library district. If the board or boards of  
27 county commissioners do not reject the establishment of the trustee zones  
28 within the time limit specified, they shall be deemed to be in full force and  
29 effect. If a library district is contained in more than one (1) county, a  
30 motion of rejection adopted by one (1) board of county commissioners shall be  
31 sufficient to keep the trustee zone plan from going into effect. A board of  
32 county commissioners shall notify the library board of trustees in writing  
33 if a proposal is rejected.

34 (2) If a proposal for the establishment of trustee zones is rejected  
35 by a board of county commissioners, the boundaries of the trustee zones, if  
36 any, shall return to the dimensions they were before the rejection. Trustee  
37 zones may be redefined and changed, but not more than once every two (2) years  
38 after a new set of trustee zones are formally established and in full force  
39 and effect.

40 (3) At the next regular meeting of the board of trustees of the library  
41 district following the creation of trustee zones, the public library  
42 district board shall appoint from its membership or from other qualified  
43 electors resident in each trustee zone, a person from that zone to serve as a  
44 trustee until the next regularly scheduled trustee election from that zone,  
45 which election shall be held in an odd-numbered year. The initial election  
46 of trustees for the trustee zones shall be for terms of four (4) years for two  
47 (2) trustees and thereafter their terms shall be for six (6) years, terms of  
48 six (6) years for two (2) trustees and thereafter their terms shall be for six  
49 (6) years, and a term of two (2) years for one (1) trustee and thereafter the

1 term shall be for six (6) years, with each zone being assigned an initial term  
2 length by a random drawing of the numbers one (1) through five (5).

3 (4) For the purpose of achieving an orderly transition to terms of six  
4 (6) years and hold trustee elections in odd-numbered years, the following  
5 schedule shall be followed:

6 (a) For trustees elected in 2005, their terms shall expire in 2011 and  
7 the terms for each of those elected in 2011 shall each be six (6) years  
8 and thereafter those terms shall be for six (6) years;

9 (b) For trustees elected in 2006, their terms shall expire in 2011 and  
10 the terms for each of those elected in 2011 shall each be six (6) years  
11 and thereafter those terms shall be for six (6) years;

12 (c) For trustees elected in 2007, their terms shall expire in 2013 and  
13 the terms for each of those elected in 2013 shall each be six (6) years  
14 and thereafter those terms shall be for six (6) years;

15 (d) For trustees elected in 2008, their terms shall expire in 2013 and  
16 the terms for each of those elected in 2013 shall each be six (6) years  
17 and thereafter those terms shall be for six (6) years;

18 (e) For trustees elected in 2009, their terms shall expire in 2015 and  
19 the terms for each of those elected in 2015 shall each be six (6) years  
20 and thereafter those terms shall be for six (6) years;

21 (f) For trustees elected in 2010, their terms shall expire in 2015 and  
22 the terms for each of those elected in 2015 shall be six (6) years and  
23 thereafter those terms shall be for six (6) years.

24 SECTION 6. That Section 34-106, Idaho Code, as amended by Section 55,  
25 Chapter 341, Laws of 2009, be, and the same is hereby amended to read as  
26 follows:

27 34-106. LIMITATION UPON ELECTIONS. On and after January 1, 2011,  
28 notwithstanding any other provisions of the law to the contrary, there shall  
29 be no more than two (2) elections conducted in any county in any calendar  
30 year, except as provided in this section, and except that elections to fill  
31 vacancies in the United States house of representatives shall be held as  
32 provided in the governor's proclamation.

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

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

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

36 (c) In addition to the elections specified in paragraphs (a) and (b)  
37 of this subsection (1), an emergency election may be called upon motion  
38 of the governing board of a political subdivision. An emergency exists  
39 when there is a great public calamity, such as an extraordinary fire,  
40 flood, storm, epidemic, or other disaster, or if it is necessary to  
41 do emergency work to prepare for a national or local defense, or it is  
42 necessary to do emergency work to safeguard life, health or property.  
43 Such a special election, if conducted by the county clerk, shall be  
44 conducted at the expense of the political subdivision submitting the  
45 question.

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

1 (3) Candidates for office elected in November shall take office as  
 2 provided in the constitution, or on January 1, next succeeding the November  
 3 election.

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

11 (5) The secretary of state is authorized to provide such assistance  
 12 as necessary, and to prescribe any needed rules or interpretations for the  
 13 conduct of election authorized under the provisions of this section.

14 (6) Water districts governed by chapter 6, title 42, Idaho Code, are  
 15 exempt from the provisions of this section.

16 (7) Community colleges governed by chapter 21, title 33, Idaho Code,  
 17 and school districts are subject to the limitations specified in subsection  
 18 (1) of this section, except that school districts may also hold an election  
 19 on the second Tuesday in March of each year and on the last Tuesday in August  
 20 of each year on bonded indebtedness and property tax levy questions.

21 (8) Initiative, referendum, recall, bond, levy and any other ballot  
 22 question elections conducted by any political subdivision, ~~except school~~  
 23 ~~districts,~~ shall be held on the nearest date authorized in subsections (1)  
 24 and (7) of this section which falls more than forty-five (45) days after the  
 25 clerk of the political subdivision orders that such election shall be held,  
 26 unless otherwise provided by law.

27 (9) Recall elections may be held on a different date as authorized  
 28 in subsections (1) and (7), and on the second Tuesday of March and the  
 29 last Tuesday of August, as determined by the county clerk after receipt of  
 30 necessary petitions.

31 (10) Irrigation districts governed by title 43, Idaho Code, are subject  
 32 to the limitations specified in subsection (1) of this section, except  
 33 that irrigation districts may also hold an election on the first Tuesday  
 34 in February of each year and on the first Tuesday in August of each year on  
 35 questions required to be voted upon by title 43, Idaho Code.

36 SECTION 7. That Section 34-731, Idaho Code, be, and the same is hereby  
 37 amended to read as follows:

38 34-731. PRESIDENTIAL PREFERENCE VOTE. In years in which a president of  
 39 the United States is to be nominated and elected, a presidential preference  
 40 primary shall be held at which voters shall express their choice for  
 41 candidates for nominations for president. The presidential preference  
 42 primary shall be held in conjunction with the primary election, on the ~~fourth~~  
 43 third Tuesday in May of each presidential year.

44 SECTION 8. That Section 34-732, Idaho Code, be, and the same is hereby  
 45 amended to read as follows:

46 34-732. SELECTION OF CANDIDATES FOR NOMINATION IN PRESIDENTIAL  
 47 PRIMARY. Each qualified elector shall have the opportunity to vote on the

1 official presidential preference primary ballot for one (1) person to be the  
2 candidate for nomination by a party for president of the United States. The  
3 name of any candidate for a political party nomination for president of the  
4 United States shall be printed on the ballots only:

5 (1) If the secretary of state shall have determined, in his sole  
6 discretion, that the person's candidacy is generally advocated or  
7 recognized in national news media throughout the United States. For  
8 the purpose of promoting the aspect of a regional primary in this regard,  
9 the secretary of state may consult with the chief election officers of  
10 neighboring states which conduct a presidential primary election on the  
11 ~~fourth~~ third Tuesday in May. The secretary of state shall publish the names  
12 of such persons determined by him to be such candidates, together with their  
13 party affiliation, not less than sixty (60) days prior to the date of the  
14 presidential preference primary; or

15 (2) Any candidate who was not placed upon the ballot by the secretary of  
16 state under the provisions of subsection (1) of this section shall be placed  
17 upon the ballot after filing a declaration of candidacy accompanied by a one  
18 thousand dollar (\$1,000) filing fee. The declaration shall be filed with the  
19 secretary of state no later than the fiftieth day prior to the date of the  
20 presidential preference primary.

21 SECTION 9. That Section 34-1401, Idaho Code, as amended by Section  
22 59, Chapter 341, Laws of 2009, be, and the same is hereby amended to read as  
23 follows:

24 34-1401. ELECTION ADMINISTRATION. Notwithstanding any provision to  
25 the contrary, the county clerk shall administer all elections on behalf  
26 of any political subdivision, subject to the provisions of this chapter,  
27 including all special district elections and elections of special questions  
28 submitted to the electors as provided in this chapter. Water districts  
29 governed by chapter 6, title 42, Idaho Code, recreational water and/or sewer  
30 districts as defined in section 42-3202A, Idaho Code, ground water recharge  
31 districts governed by chapter 42, title 42, Idaho Code, ground water  
32 management districts governed by chapter 51, title 42, Idaho Code, ground  
33 water districts governed by chapter 52, title 42, Idaho Code, and irrigation  
34 districts governed by title 43, Idaho Code, are exempt from the provisions of  
35 this chapter. All municipal, school district and highway district elections  
36 shall be conducted pursuant to the provisions of this chapter 14, title 34,  
37 Idaho Code. All highway district and school district elections shall be  
38 administered by the clerk of the county wherein the district lies. Elections  
39 in a joint school district or other political subdivisions that extend  
40 beyond the boundaries of a single county shall be conducted jointly by the  
41 clerks of the respective counties, and the clerk of the home county shall  
42 exercise such powers as are necessary to coordinate the election. "Home  
43 county" shall be defined as the county in which the business office for the  
44 district or political subdivision is located. For the purposes of achieving  
45 uniformity, the secretary of state shall, from time to time, provide  
46 directives and instructions to the various county clerks. Unless a specific  
47 exception is provided in this chapter, the provisions of this chapter shall  
48 govern in all questions regarding the conduct of elections on behalf of all  
49 political subdivisions. In all matters not specifically covered by this



1 chapter, other provisions of title 34, Idaho Code, governing elections shall  
2 prevail over any special provision which conflicts therewith.

3 The county clerk shall conduct the elections for political subdivisions  
4 and shall perform all necessary duties of the election official of a  
5 political subdivision including, but not limited to, notice of the filing  
6 deadline, notice of the election, and preparation of the election calendar.

7 SECTION 10. That Section 34-1404, Idaho Code, as amended by Section  
8 60, Chapter 341, Laws of 2009, be, and the same is hereby amended to read as  
9 follows:

10 34-1404. DECLARATION OF CANDIDACY. Candidates for election in any  
11 political subdivision shall be nominated by nominating petitions, each of  
12 which shall bear the name of the nominee, the office for which the nomination  
13 is made, the term for which nomination is made, bear the signature of not  
14 less than five (5) electors of the candidate's specific zone or district of  
15 the political subdivision, and be filed with the ~~election official~~ clerk  
16 of the political subdivision. The form of the nominating petition shall  
17 be as provided by the county clerk and shall be uniform for all political  
18 subdivisions. For an election to be held on the third Tuesday in May, in  
19 even-numbered years, the nomination petition shall be filed during the  
20 period specified in section 34-704, Idaho Code. The election official  
21 shall verify the qualifications of the nominees and shall, no more than  
22 seven (7) days after the close of filing, certify the nominees and any  
23 special questions placed by action of the governing board of the political  
24 subdivision. For an election to be held on the first Tuesday after the  
25 first Monday of November, in even-numbered years, the nomination shall  
26 be filed on or before September 1. The election official shall verify the  
27 qualifications of the nominees, and shall not later than seven (7) days  
28 after the close of filing, certify the nominees and any special questions  
29 placed by action of the governing board of the political subdivisions.  
30 For all other elections, the nomination shall be filed not later than 5:00  
31 p.m. on the sixth Friday preceding the election for which the nomination is  
32 made. The election official shall verify the qualifications of the nominee,  
33 and shall not more than seven (7) days following the filing certify the  
34 nominees and any special questions, placed by action of the governing board  
35 of the political subdivisions, to be placed on the ballot of the political  
36 subdivision.

37 SECTION 11. That Section 34-1408, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39 34-1408. ABSENTEE BALLOTS. Any registered elector may vote at any  
40 election by absentee ballot as provided in chapter 10, title 34, Idaho Code.  
41 In the event of a written application to the county clerk for an absentee  
42 ballot, the application shall be deemed to be an application for all ballots  
43 to be voted in the election, and the county clerk shall ~~notify the election~~  
44 ~~official of each political subdivision conducting an election at that~~  
45 ~~date, and the election official shall provide the ballot of the political~~  
46 subdivision to the elector.

1 SECTION 12. That Section 34-1410, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 34-1410. CANVASSING OF ELECTION RESULTS. ~~Each political subdivision~~  
4 The board of county commissioners shall conduct the canvass of the election  
5 results, in the manner provided in chapter 12, title 34, Idaho Code.  
6 The county clerk shall certify the election results to the clerk of each  
7 political subdivision for which an election was held. Each political  
8 subdivision shall issue the appropriate certificates of election.

9 SECTION 13. That Section 40-1305, Idaho Code, as amended by Section  
10 75, Chapter 341, Laws of 2009, be, and the same is hereby amended to read as  
11 follows:

12 40-1305. ELECTION OF HIGHWAY COMMISSIONERS -- TERM OF OFFICE. (1)  
13 On the third Tuesday of May of the next odd-numbered year following the  
14 appointment of the first highway district commissioners, commissioners from  
15 subdistricts one and two shall be elected for a term of two (2) years and the  
16 commissioner from subdistrict three shall be elected for a term of four (4)  
17 years. Thereafter the term of office of all commissioners shall be four (4)  
18 years.

19 (2) ~~Alternative election of highway commissioners -- Term of office. A~~  
20 highway district whose terms and election were established by prior law  
21 shall convert to the election of commissioners as provided in subsection (1)  
22 of this section.

23 ~~(a) Notwithstanding subsection (1) of this section, highway district~~  
24 ~~commissioners may, upon the unanimous agreement of the existing board~~  
25 ~~of highway district commissioners, adopt an alternative term of office,~~  
26 ~~whereby a single highway district commissioner shall be elected each~~  
27 ~~year for three (3) years and in the fourth year no election shall be~~  
28 ~~held.~~

29 ~~(b) An election pursuant to paragraph (a) of this subsection shall be~~  
30 ~~conducted in the following manner:~~

31 ~~(i) The commissioner representing subdistrict one shall be~~  
32 ~~elected for a term of four (4) years upon the expiration of the~~  
33 ~~existing term;~~

34 ~~(ii) The commissioner representing subdistrict two shall be~~  
35 ~~elected for a term of five (5) years upon the expiration of the~~  
36 ~~existing term; and~~

37 ~~(iii) Each year thereafter, one (1) commissioner shall be elected,~~  
38 ~~except for the fourth year when no election shall be held.~~

39 ~~(c) If an alternative election is held pursuant to this subsection, the~~  
40 ~~highway district shall not revert to the former manner of elections and~~  
41 ~~terms of office until eight (8) years after such election.~~

42 Each highway commissioner shall be elected on a districtwide basis.

43 SECTION 14. That Section 42-3207, Idaho Code, be, and the same is hereby  
44 amended to read as follows:

45 42-3207. HEARINGS ON PETITIONS -- ELECTION FOR ORGANIZATION AND  
46 DIRECTORS. On the day fixed for such hearing or at any adjournment thereof

1 the court shall ascertain from the tax rolls of the county or counties in  
2 which the district is located or into which it extends, the total number  
3 of taxpayers within the proposed district, who pay a general tax on real  
4 property owned by him or her within the district.

5 If the court finds that no petition has been signed and presented in  
6 conformity with this chapter, or that the material facts are not as set  
7 forth in the petition filed, it shall dismiss said proceedings and adjudge  
8 the costs against the signers of the petition in such proportion as it  
9 shall deem just and equitable. No appeal or writ of error shall lie from an  
10 order dismissing said proceedings; but nothing herein shall be construed  
11 to prevent the filing of a subsequent petition or petitions for similar  
12 improvements or for a similar district, and the right so to renew such  
13 proceedings is hereby expressly granted and authorized.

14 Any time after the filing of the petition for the organization of a  
15 district and before the day fixed for the hearing thereon, the owner or  
16 owners of any real property within the proposed district may file a petition  
17 with the court stating reasons why said property should not be included  
18 therein, why his land or any part thereof will not be benefited by the  
19 proposed district, or should not be embraced in said district and made liable  
20 to taxation therefor, and praying that said property be excluded therefrom.  
21 Such petition shall be duly verified and shall describe the property sought  
22 to be excluded. The court shall conduct a hearing on said petition and shall  
23 hear all objections to the inclusion in the district of any lands described  
24 in said petition. In case any owner of real estate included in said proposed  
25 district shall satisfy the court that his real estate, or any part thereof,  
26 has been wrongfully included therein or will not be benefited thereby then  
27 the court shall exclude such real estate as will not be benefited.

28 Upon said hearing, if it shall appear that a petition for the  
29 organization of a district has been signed and presented as hereinabove  
30 provided, in conformity with this chapter, and the allegations of the  
31 petition are true, the court shall, by order duly entered of record, direct  
32 that the question of the organization of the district shall be submitted to  
33 the qualified electors of the district ~~at an election to be held, subject~~  
34 ~~to the provisions of section 34-106, Idaho Code, for that purpose, and such~~  
35 ~~order shall appoint three (3) qualified electors of the district as judges~~  
36 ~~of said election. The clerk of the court having jurisdiction shall give~~  
37 ~~published notice of the time and place of an election to be held in the~~  
38 ~~district in accordance with the provisions of section 34-1406, Idaho Code.~~

39 Such election shall be held ~~and conducted in the same manner as general~~  
40 ~~elections~~ in conformity with the general election in this state, including  
41 chapter 14, title 34, Idaho Code, except that the court shall establish  
42 as many election precincts within such proposed district as are deemed  
43 necessary, and shall define the boundaries thereof, which precincts and  
44 boundaries may thereafter be changed by the board of directors of such  
45 district if so organized. Such court, and thereafter the board of directors  
46 of such district, if so organized, shall appoint three (3) judges of  
47 election, one (1) of whom shall act as clerk for such election precinct  
48 county commissioners if the district is organized.

49 At any time after the filing of the petition herein referred to and  
50 before the day fixed for hearing, nominees for the board of directors of the

1 district may be nominated by the filing of a petition designating the name  
2 or names of the nominee or nominees, signed by at least five (5) qualified  
3 electors of the district. If upon the hearing as herein provided the court  
4 shall order an election for the creation of the district, the court shall  
5 also ascertain the names of persons nominated by the board of directors,  
6 and shall order that the names of persons whom the court finds to have been  
7 properly nominated shall be listed upon a ballot submitted to the electors  
8 at such election. In the event the court makes its order providing for such  
9 election, it shall prescribe the form of the question and ballot relating to  
10 the creation of the district, and also the form of the ballot relating to the  
11 election of the directors; provided that all matters may be contained upon  
12 one (1) ballot to be submitted to the voters.

13 At such election the voters shall vote for or against the organization  
14 of the district, and for five (5) qualified electors, who shall constitute  
15 the board of directors of the district, if organized, one (1) director to  
16 act until the first biennial election, two (2) until the second, and two (2)  
17 until the third biennial election.

18 The judges of election shall certify the returns of the election to  
19 the district court having jurisdiction. If a majority of the votes cast at  
20 said election are in favor of the organization, the district court shall  
21 declare the district organized and give it a corporate name by which, in all  
22 proceedings, it shall thereafter be known, and designated the first board  
23 of directors elected, and thereupon the district shall be a governmental  
24 subdivision of the state of Idaho and a body corporate with all the powers of  
25 a public or quasi-municipal corporation.

26 If an order be entered establishing the district, such order shall be  
27 deemed final and no appeal or writ of error shall lie therefrom, and the  
28 entry of such order shall finally and conclusively establish the regular  
29 organization of the said district against all persons except the state of  
30 Idaho, in an action in the nature of a writ of quo warranto, commenced by the  
31 attorney general within thirty (30) days after said decree declaring such  
32 district organized as herein provided, and not otherwise. The organization  
33 of said district shall not be directly or collaterally questioned in any  
34 suit, action or proceeding except as herein expressly authorized.

35 SECTION 15. That Section 42-3211, Idaho Code, as amended by Section  
36 100, Chapter 341, Laws of 2009, be, and the same is hereby amended to read as  
37 follows:

38 42-3211. ELECTIONS -- TERMS OF OFFICE. (1) On the third Tuesday in May,  
39 in the ~~second calendar~~ first odd-numbered year after the organization of any  
40 district, and on the third Tuesday in May every second year thereafter an  
41 election shall be held, which shall be known as the biennial election of the  
42 district.

43 (2) In districts created under section 42-3202B, Idaho Code, biennial  
44 elections shall be held on the third Tuesday in May.

45 (3) At the first biennial election in any district hereafter organized,  
46 and each sixth year thereafter, there shall be elected by the qualified  
47 electors of the district, one (1) member of the board to serve for a term  
48 of six (6) years; at the second biennial election and each sixth year  
49 thereafter, there shall be elected two (2) members of the board to serve for

1 terms of six (6) years, and at the third biennial election, and each sixth  
2 year thereafter, there shall be elected two (2) members of the board to serve  
3 for terms of six (6) years.

4 Not later than 5:00 p.m. on the sixth Friday preceding the election,  
5 nominations may be filed with the secretary of the board and if a nominee does  
6 not withdraw his name before the first publication of the notice of election,  
7 his name shall be placed on the ballot. The county clerk shall conduct the  
8 election and shall appoint judges to conduct it. The returns of the election  
9 shall be certified to and shall be canvassed and declared as provided in  
10 chapter 14, title 34, Idaho Code. The candidate or candidates, according  
11 to the number of directors to be elected, receiving the most votes, shall  
12 be elected. Any new member of the board shall qualify in the same manner as  
13 members of the first board qualify.

14 In any election for director, if after the deadline for filing a  
15 declaration of intent as a write-in candidate, it appears that the number  
16 of qualified candidates who have been nominated is equal to the number of  
17 directors to be elected, it shall not be necessary for the candidates to  
18 stand for election, and the board of directors shall declare such candidates  
19 elected as directors, and the secretary of the district shall immediately  
20 make and deliver to such persons certificates of election signed by him and  
21 bearing the seal of the district.

22 SECTION 16. That Section 161, Chapter 341, Laws of 2009, be, and the  
23 same is hereby amended to read as follows:

24 SECTION 161. Section 1 of this act shall be in full force and effect  
25 on and after July 1, 2009. Sections 41, 42 and 145 of this act shall be in  
26 full force and effect on and after January 1, 2010. Sections 2 through 40,  
27 Sections 43 through 144 and Sections 146 through 160 of this act shall be in  
28 full force and effect on and after January 1, 2011. The Secretary of State  
29 and the Idaho Association of Counties shall concurrently submit a report to  
30 the Legislature of the actual costs incurred in operating the elections for  
31 calendar years 2011 and 2012, by March 1, 2013.

32 SECTION 17. An emergency existing therefor, which emergency is hereby  
33 declared to exist, Section 2 of this act shall be in full force and effect on  
34 and after passage and approval, and retroactively to January 1, 2010. The  
35 remaining sections of this act shall be in full force and effect on and after  
36 January 1, 2011.