

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 60

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTION CONSOLIDATION; AMENDING SECTION 1, CHAPTER 341, LAWS OF  
2 2009, TO REVISE HOW APPROPRIATED MONEYS MAY BE USED; AMENDING SECTION  
3 22-2721, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ELECTION OF  
4 SOIL CONSERVATION DISTRICT COMMISSIONERS; AMENDING SECTION 22-4301,  
5 IDAHO CODE, TO REVISE PROVISIONS REGARDING ELECTIONS IN WEATHER MODIFI-  
6 CATION DISTRICTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION  
7 31-1410A, IDAHO CODE, TO REVISE PROVISIONS REGARDING ELECTIONS OF FIRE  
8 PROTECTION DISTRICT COMMISSIONERS; AMENDING SECTION 33-502, IDAHO  
9 CODE, TO REVISE WHEN DECLARATION OF CANDIDACIES FOR SCHOOL TRUSTEES  
10 SHALL BE FILED AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION  
11 33-503A, IDAHO CODE, TO REVISE WHEN CERTAIN TRUSTEES OF SCHOOL DIS-  
12 TRICTS SHALL SERVE; REPEALING SECTION 33-2717B, IDAHO CODE, RELATING  
13 TO WITHDRAWAL OF CANDIDACY FROM LIBRARY DISTRICT BOARDS; REPEALING  
14 SECTION 33-2717C, IDAHO CODE, RELATING TO PROCEDURE FOR CORRECTION OF  
15 BALLOTS IN LIBRARY DISTRICT ELECTIONS; AMENDING SECTION 33-2722, IDAHO  
16 CODE, TO REVISE WHO CONDUCTS LIBRARY DISTRICT ELECTIONS AND TO MAKE A  
17 TECHNICAL CORRECTION; AMENDING SECTION 34-102, IDAHO CODE, TO REVISE  
18 WHEN THE PRIMARY ELECTION IS HELD; AMENDING SECTION 34-106, IDAHO CODE,  
19 TO REVISE WHEN ELECTIONS AND RECALL ELECTIONS MAY BE HELD AND TO REVISE  
20 ELECTION FUNDING; AMENDING SECTION 34-717, IDAHO CODE, TO REVISE PRO-  
21 VISIONS RELATING TO WITHDRAWAL OF CANDIDACY; AMENDING SECTION 34-902,  
22 IDAHO CODE, TO REVISE PROVISIONS RELATING TO COUNTY COMMISSIONERS PRO-  
23 VIDING SUFFICIENT BALLOTS AND BALLOT BOXES FOR EACH POLLING PLACE AT ALL  
24 ELECTIONS; AMENDING SECTION 34-1003, IDAHO CODE, TO REVISE PROVISIONS  
25 FOR ISSUANCE OF ABSENTEE BALLOTS; AMENDING SECTION 34-1401, IDAHO CODE,  
26 TO REVISE PROVISIONS FOR ADMINISTRATION OF MUNICIPAL ELECTIONS; AMEND-  
27 ING SECTION 34-1404, IDAHO CODE, TO REVISE PROVISIONS REGARDING DECLA-  
28 RATION OF CANDIDACY; AMENDING CHAPTER 14, TITLE 34, IDAHO CODE, BY THE  
29 ADDITION OF A NEW SECTION 34-1405A, IDAHO CODE, TO PROVIDE FOR THE WITH-  
30 DRAWAL OF CANDIDACY; AMENDING SECTION 34-1406, IDAHO CODE, TO REVISE  
31 PROVISIONS REGARDING NOTICE OF ELECTION; AMENDING SECTION 34-1407,  
32 IDAHO CODE, TO REVISE PROVISIONS REGARDING WRITE-IN CANDIDATES;  
33 AMENDING SECTION 34-1410, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
34 CANVASSING OF ELECTION RESULTS; AMENDING CHAPTER 14, TITLE 34, IDAHO  
35 CODE, BY THE ADDITION OF A NEW SECTION 34-1412, IDAHO CODE, TO ESTABLISH  
36 PROVISIONS FOR TERMS OF OFFICE GOING BEYOND THE NEXT ELECTION DATES;  
37 AMENDING SECTION 39-1330, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
38 ELECTIONS OF HOSPITAL BOARD MEMBERS; AMENDING SECTION 40-1304, IDAHO  
39 CODE, TO REVISE PROVISIONS REGARDING WHEN HIGHWAY DISTRICT COMMISSION-  
40 ERS TAKE OFFICE; AMENDING SECTION 42-3211, IDAHO CODE, TO REVISE PRO-  
41 VISIONS REGARDING WATER AND SEWER DISTRICT ELECTIONS; AMENDING SECTION  
42 50-1026, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN CITY BOND  
43 ELECTIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-4911,  
44

1 IDAHO CODE, TO REVISE PROVISIONS REGARDING AUDITORIUM DISTRICT ELEC-  
2 TIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

4 SECTION 1. That Section 1, Chapter 341, Laws of 2009, be, and the same is  
5 hereby amended to read as follows:

6 SECTION 1. In addition to the appropriation provided for by law, there  
7 is hereby appropriated to the Secretary of State to be used to provide train-  
8 ing and training materials directly related to election consolidation and  
9 for trustee and benefit payments the sum of \$1,500,000 from the Budget Sta-  
10 bilization Fund for the period July 1, 2009, through June 30, 2010, which  
11 shall be placed in the Consolidated Elections Fund. The Secretary of State  
12 shall reimburse counties for the cost of needed equipment and computer soft-  
13 ware, maps and map development, materials, conducting and attending train-  
14 ing sessions, and methodologies and tools for delineating a geographic bal-  
15 lot area, which are directly related to compliance with this act. Such mon-  
16 eys shall be expended from the Consolidated Elections Fund which is created  
17 in the State Treasury. Each county may apply to the Secretary of State for  
18 reimbursement of its actual costs incurred in acquiring equipment and com-  
19 puter software with the maximum amount reimbursed being the greater of one  
20 dollar (\$1.00) per person in the county according to the latest decennial  
21 census or ten thousand dollars (\$10,000). Moneys may be expended pursuant to  
22 appropriation or by the Secretary of State. The Consolidated Elections Fund  
23 shall cease to exist and shall be null and void on January 1, 2016, at which  
24 time any amounts remaining in the fund will revert to the General Fund.

25 SECTION 2. That Section 22-2721, Idaho Code, be, and the same is hereby  
26 amended to read as follows:

27 22-2721. ELECTION, APPOINTMENT, QUALIFICATIONS AND TENURE OF SUPER-  
28 VISORS. (1) The governing body of the district shall consist of five (5)  
29 supervisors, elected or appointed as provided in this chapter. Elections  
30 shall be conducted pursuant to the provisions of this section and the uniform  
31 district election law, chapter 14, title 34, Idaho Code. If at any time the  
32 supervisors of a district deem it necessary, they may request permission  
33 from the state soil and water conservation commission to increase the num-  
34 ber of supervisors to seven (7). Upon receipt of such a request in writing,  
35 signed by all five (5) supervisors, stating a valid reason for such need, the  
36 commission shall grant permission. The additional supervisors shall then be  
37 appointed as outlined in ~~subsection (5) of~~ this section until such time as  
38 regular district elections for two (2) supervisors in each district. At that  
39 time those districts having seven (7) supervisors shall then elect four (4)  
40 supervisors for four (4) year terms. The two (2) supervisors appointed by  
41 the commission shall be persons who are by training and experience qualified  
42 to perform the specialized services which will be required of them in the  
43 performance of their duties. All supervisors shall be landowners or farmers  
44 of the district where they are elected or appointed and shall be registered  
45 to vote in the state of Idaho.

1 (2) Within thirty (30) days after the date of issuance by the secretary  
2 of state of a certificate of organization of a soil conservation district,  
3 nominating petitions may be filed with the state soil and water conservation  
4 commission to nominate candidates for supervisors of each district. The  
5 county clerk shall conduct the election for the district and shall be the  
6 election official for the district. The election official shall have au-  
7 thority to extend the time within which nominating petitions may be filed.  
8 No such nominating petition shall be accepted by the election official  
9 unless it shall be subscribed by not less than five (5) persons who are quali-  
10 fied electors owning land or residing within the boundaries of the district.  
11 The election official shall give due notice of an election to be held, sub-  
12 ject to the provisions of section 34-106, Idaho Code, for the election of  
13 three (3) supervisors for the district. The names of all nominees on behalf  
14 of whom such nominating petitions have been filed within the time herein  
15 designated shall appear upon ballots, with directions to choose three (3)  
16 names to indicate the voter's preference. The three (3) candidates who shall  
17 receive the largest number, respectively, of the votes cast in such election  
18 shall be the elected supervisors for such district. The commission shall pay  
19 all the expenses of such election, which shall be supervised and conducted  
20 by the election official.

21 (3) All elections in districts shall be conducted by the county clerk.  
22 Such election shall be held on the first Tuesday succeeding the first Monday  
23 of November in each even-numbered year. Such elections shall be in compli-  
24 ance with the provisions of chapter 14, title 34, Idaho Code, and shall be  
25 supervised and conducted by the county clerk. The cost of conducting such  
26 elections shall be borne by the county that conducted the election. The  
27 county clerk shall certify to the state soil and water conservation commis-  
28 sion the names of the elected supervisors. The state soil and water con-  
29 servation commission shall issue certificates of election to each elected  
30 supervisor so certified. The county clerk or county clerks of the county or  
31 counties in which the district is located shall conduct the election for the  
32 soil conservation district, and the county clerk must provide a ballot for  
33 the district election and must provide a process that allows only qualified  
34 electors of the district to vote in that district's election.

35 (4) In any election for supervisor, if after the deadline for filing  
36 a declaration of intent as a write-in candidate, it appears that the num-  
37 ber of qualified candidates who have been nominated is equal to the number  
38 of supervisors to be elected, it shall not be necessary for the candidates to  
39 stand for election, and the board of supervisors shall declare such candi-  
40 dates elected as supervisors, and the state soil and water conservation com-  
41 mission shall immediately make and deliver to such persons certificates of  
42 election.

43 ~~(5) In any election for supervisors of a soil conservation district, if~~  
44 ~~after the expiration of the date for filing written nominations it appears~~  
45 ~~that only one (1) qualified candidate has been nominated for each position~~  
46 ~~to be filled and no declaration of intent has been filed by a write-in candi-~~  
47 ~~date as provided in subsection (6) of this section, it shall not be necessary~~  
48 ~~to hold an election, and the county clerk shall, no later than seven (7) days~~  
49 ~~before the scheduled date of the election, declare such candidate elected as~~

1 supervisor, and the state soil and water conservation commission shall imme-  
2 diately make and deliver to such person a certificate of election.

3 ~~(6) No write-in vote for supervisor shall be counted unless a declara-~~  
4 ~~tion of intent has been filed with the county clerk indicating that the per-~~  
5 ~~son making the declaration desires the office and is legally qualified to as-~~  
6 ~~sume the duties of supervisor if elected as a write-in candidate. The decla-~~  
7 ~~ration of intent shall be filed not later than twenty-five (25) days before~~  
8 ~~the day of election.~~

9 (75) The supervisors shall designate a chairman and may, from time to  
10 time, change such designation. The term of office of each supervisor shall  
11 be four (4) years commencing on the first day of January next following elec-  
12 tion, except that the two (2) supervisors who are first appointed shall be  
13 designated to serve for terms of two (2) years. A supervisor shall hold of-  
14 fice until a qualified successor has been elected or appointed. Vacancies  
15 shall be filled for the unexpired term. The selection of successors to fill  
16 an unexpired term, or for a full term shall be made by a vote of the majority  
17 of the supervisors duly qualified and acting at the time the vacancy shall  
18 arise and the supervisors shall certify the name of the appointed supervisor  
19 to the state soil and water conservation commission which shall issue a cer-  
20 tificate of such appointment.

21 (86) A majority of the supervisors shall constitute a quorum and the  
22 concurrence of a majority in any matter within their duties shall be required  
23 for its determination. A supervisor shall be entitled to expenses, in-  
24 cluding travel expense, necessarily incurred in the discharge of duties. A  
25 supervisor shall receive no compensation for services from regular district  
26 funds, county funds authorized in section 22-2726, Idaho Code, or state  
27 funds authorized in section 22-2727, Idaho Code.

28 (97) In the event the district has a special project, approved by the  
29 state soil and water conservation commission, making project funds avail-  
30 able from federal or other sources, a supervisor may receive compensation  
31 not to exceed thirty-five dollars (\$35.00) per day plus actual and necessary  
32 expenses from project funds for services directly related to the project.

33 (108) The supervisors may employ a secretary, technical experts, and  
34 such other officers, agents, and employees, permanent and temporary as they  
35 may require, and shall determine their qualifications, duties and compen-  
36 sation. The supervisors may call upon the attorney general of the state for  
37 such legal services as they may require or may employ their own counsel and  
38 legal staff. The supervisors may delegate to their chairman, to one (1) or  
39 more supervisors, or to one (1) or more agents, or employees, such powers and  
40 duties as they may deem proper. The supervisors shall furnish to the state  
41 soil and water conservation commission, upon request, copies of such ordi-  
42 nances, rules, orders, contracts, forms and other documents as they shall  
43 adopt or employ, and such other information concerning the supervisors'  
44 activities as the commission may require in the performance of the commis-  
45 sion's duties under this chapter.

46 (119) The supervisors shall provide for the execution of surety bonds  
47 for all employees and officers who shall be entrusted with funds or property;  
48 they shall provide for the keeping of a full and accurate record of all pro-  
49 ceedings and of all resolutions, and orders issued or adopted; and shall pro-  
50 vide for independent financial audits in accordance with the provisions of

1 section 67-450B, Idaho Code. Supervisors shall be subject to recall in ac-  
2 cordance with the provisions of chapter 17, title 34, Idaho Code.

3 (120) The supervisors may invite the legislative body of a municipality  
4 or county located near the territory comprised within the district to desig-  
5 nate a representative to advise and consult with the supervisors of the dis-  
6 trict on all questions of program and policy which may affect the property,  
7 water supply, or other interests of such municipality or county.

8 SECTION 3. That Section 22-4301, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 22-4301. ESTABLISHMENT -- PETITION -- ELECTION. (1) The county com-  
11 missioners of any county shall, upon petition signed by not less than fifty  
12 (50) resident real property holders of said county, or any portion thereof,  
13 which may exclude incorporated cities, undertake the following procedure to  
14 determine the advisability of resolving to establish and maintain a weather  
15 modification district within the county as may be designated in the peti-  
16 tion.

17 (a) A petition to form a weather modification district shall be pre-  
18 sented to the county clerk and recorder. The petition shall be signed  
19 by not less than fifty (50) of the resident real property holders within  
20 the proposed district. The petition shall designate the boundaries of  
21 the district.

22 (b) The petition shall be filed with the county clerk and recorder of  
23 the county in which the signers of the petition are located. Upon the  
24 filing of the petition the county clerk shall examine the petition and  
25 certify whether the required number of petitioners have signed the  
26 petition. If the number of petition signers is sufficient, the clerk  
27 shall transmit the petition to the board of county commissioners.

28 (c) Upon receipt of a duly certified petition the board of county com-  
29 missioners shall give notice of an election to be held, subject to the  
30 provisions of section 34-106, Idaho Code, in such proposed district  
31 for the purpose of determining whether or not the proposed district  
32 shall be organized and to elect the first board of trustees for the dis-  
33 trict. Such notice shall include the date and hours of the election,  
34 the polling places, the maximum percent of market value for assessment  
35 purposes of taxable property within the district which the proposed  
36 district will be permitted to levy, the general purposes of the pro-  
37 posed district, a description of lands to be included in the proposed  
38 district, a statement that a map of the proposed district is available  
39 in the office of the board of county commissioners, and the names and  
40 terms of the members to be elected to the first board of trustees. The  
41 notice shall be published once each week for three (3) consecutive weeks  
42 prior to such election, in a newspaper of general circulation within the  
43 county.

44 (d) The election shall be held and conducted consistent with the pro-  
45 visions of chapter 14, title 34, Idaho Code. The county clerk shall  
46 appoint judges of election, one (1) of whom shall act as clerk for the  
47 election. At such election the electors shall vote for or against the  
48 organization of the district, and the members of the first board of  
49 trustees.

1 (e) The county clerk shall certify the returns of the election to the  
 2 board of county commissioners. If a majority of the votes cast at said  
 3 election are in favor of the organization, the board of county com-  
 4 missioners shall declare the district organized and give it a name by  
 5 which, in all proceedings, it shall thereafter be known, and shall fur-  
 6 ther designate the first board of trustees elected, and thereupon the  
 7 district shall be a legal taxing district.

8 (f) On the third Tuesday of May, in the next odd-numbered calendar year  
 9 after the organization of any district, and on the third Tuesday of May  
 10 every odd-numbered year thereafter, an election shall be held.

11 At the election in any district hereafter organized, there shall be  
 12 elected by the qualified electors of the district, two (2) members of the  
 13 board to serve for a term of four (4) years; at the next odd-numbered year  
 14 election, there shall be elected one (1) member of the board to serve for a  
 15 term of four (4) years. Such election shall be held and conducted consistent  
 16 with the provisions of chapter 14, title 34, Idaho Code.

17 ~~Not later than the sixth Friday before any such election, nominations~~  
 18 ~~may be filed with the secretary of the board and if a nominee does not with-~~  
 19 ~~draw his name before the first publication of the notice of election, his~~  
 20 ~~name shall be placed on the ballot. The county clerk shall conduct such elec-~~  
 21 ~~tion, shall appoint judges, shall give notice of election by publication,~~  
 22 ~~and shall arrange such other details in connection therewith. The returns~~  
 23 ~~of the election shall be certified to and shall be canvassed and declared~~  
 24 ~~by the board. The candidate or candidates receiving the most votes shall be~~  
 25 ~~elected.~~

26 In any election for trustees, if after the deadline for filing a decla-  
 27 ration of intent as a write-in candidate, it appears that only one (1) qual-  
 28 ified candidate has been nominated for a trustee position, it shall not be  
 29 necessary for the candidate to stand for election, and the board of trustees  
 30 of the district shall declare such candidate elected as trustee, and the sec-  
 31 retary of the district shall immediately make and deliver to such person a  
 32 certificate of election.

33 SECTION 4. That Section 31-1410A, Idaho Code, be, and the same is hereby  
 34 amended to read as follows:

35 31-1410A. DECISION TO INCREASE THE SIZE OF THE BOARD. Subsequent to  
 36 the creation of a fire protection district and the appointment of the first  
 37 board of fire protection commissioners, the fire protection board may, by a  
 38 majority vote of all of the fire protection district board members elect to  
 39 increase the size of the board to five (5) members.

40 If the board of fire protection commissioners elects to expand the board  
 41 to five (5) members, the existing board members shall subdivide the district  
 42 into five (5) subdivisions as nearly equal in population, area and mileage as  
 43 practicable to be known as subdistricts one, two, three, four and five.

44 At the first election following the decision of the board of fire pro-  
 45 tection commissioners to expand the board from three (3) to five (5) members,  
 46 five (5) commissioners shall be elected. The commissioners from fire pro-  
 47 tection ~~subdistrict one shall be elected for a term of one (1) year; the com-~~  
 48 ~~missioner from subdistrict two for two (2) years; the commissioner from sub-~~  
 49 ~~district three for three (3) years; and the commissioners from subdistricts~~

1 ~~four and five shall be elected for terms of four (4) years. subdistricts~~  
 2 ~~one and two shall be elected to a term of two (2) years, the commissioners~~  
 3 ~~from subdistricts three, four and five shall be elected to a term of four (4)~~  
 4 ~~years. Thereafter, the term of all commissioners shall be four (4) years.~~

5 A fire district which, prior to the effective date of this section, had  
 6 elected to expand a board from three (3) to five (5) members shall, prior to  
 7 the next election of the district, adopt a transition schedule as nearly re-  
 8 flecting the schedule provided in this section as possible ~~so that one (1)~~  
 9 ~~commissioner is elected each year except that in one (1) year, two (2) com-~~  
 10 ~~missioners are elected. For commissioners whose offices expire in 2012 and~~  
 11 ~~in any even-numbered year, such commissioners shall remain in office until~~  
 12 ~~the next election in an odd-numbered year.~~

13 SECTION 5. That Section 33-502, Idaho Code, be, and the same is hereby  
 14 amended to read as follows:

15 33-502. DECLARATIONS OF CANDIDACY FOR TRUSTEES. Any person legally  
 16 qualified to hold the office of school trustee, may file a declaration of  
 17 candidacy for the office, each of which shall bear the name of the candidate,  
 18 state the term for which declaration of candidacy is made, and bear the sig-  
 19 nature of not less than five (5) school district electors resident of the  
 20 trustee zone of which the candidate is resident. The declaration shall be  
 21 filed with the clerk of the board of trustees of the school district ~~not later~~  
 22 ~~than 5:00 p.m. on the fifth Friday preceding the day of election of trustees~~  
 23 as provided in section 34-1404, Idaho Code.

24 SECTION 6. That Section 33-503A, Idaho Code, be, and the same is hereby  
 25 amended to read as follows:

26 33-503A. TRANSITION OF SCHOOL TRUSTEE TERMS FROM THREE YEARS TO FOUR  
 27 YEARS. In order to achieve an orderly transition to terms of four (4) years,  
 28 and to hold trustee elections in the odd-numbered years, the following  
 29 schedule shall be followed:

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

31 (a) If two (2) trustees were elected to a regular trustee term in 2007,  
 32 and one (1) trustee was elected to a regular term in 2008, then these  
 33 three (3) trustees shall each serve a term that expires on July 1, 2011,  
 34 and the trustees elected to a regular trustee term in 2009 shall each  
 35 serve a term that expires on July 1, 2013.

36 (b) If two (2) trustees were elected to regular trustee terms in 2007,  
 37 and two (2) trustees were elected to regular trustee terms in 2008, then  
 38 those trustees elected in 2007 shall each serve a term that expires on  
 39 July 1, 2011, and those elected in 2008 shall each serve a term that ex-  
 40 pires on July 1, 2013, and the trustee elected to a regular trustee term  
 41 in 2009 shall serve a term that expires on July 1, 2013.

42 (c) If one (1) trustee was elected to a regular trustee term in 2007, the  
 43 trustee shall serve a term that expires on July 1, 2011, and the trustees  
 44 elected to a regular trustee term in 2008 shall each serve a term that  
 45 expires on July 1, 2011.

46 (2) For school districts with six (6) trustees, two (2) trustees  
 47 elected to a regular term in 2007 shall each serve a term that expires on July

1 1, 2011, and two (2) trustees elected to a regular term in 2009 shall each  
 2 serve a term that expires on July 1, 2013, and one (1) of the trustees elected  
 3 to a regular term in 2008 shall serve until July 1, 2011, and one (1) of the  
 4 trustees elected to a regular term in 2008 shall serve until July 1, 2013,  
 5 which shall be determined by the toss of a coin.

6 (3) For school districts with seven (7) trustees, two (2) trustees  
 7 elected to a regular term in 2008 or 2009 shall each serve until July 1, 2011,  
 8 and any remainder of the trustees elected in 2008 or 2009 shall serve until  
 9 July 1, 2013, which shall be determined by the toss of a coin; and trustees  
 10 elected to a regular term in 2007 shall serve until July 1, 2013.

11 (4) For elementary school districts with three (3) trustees, two (2)  
 12 trustees elected to a regular term in 2007 and 2008 shall serve until July 1,  
 13 2011, and one (1) trustee elected to a regular term in 2009 shall serve until  
 14 July 1, 2013.

15 SECTION 7. That Section [33-2717B](#), Idaho Code, be, and the same is hereby  
 16 repealed.

17 SECTION 8. That Section [33-2717C](#), Idaho Code, be, and the same is hereby  
 18 repealed.

19 SECTION 9. That Section 33-2722, Idaho Code, be, and the same is hereby  
 20 amended to read as follows:

21 33-2722. TREASURER -- CLERK. The board of trustees of each library  
 22 district shall appoint some qualified person, who may or may not be a member  
 23 of the board of trustees, to act as treasurer of the library district. This  
 24 person shall, on taking office, give bond to the library district, with  
 25 sureties approved by the board of trustees, in the amount of at least five  
 26 thousand dollars (\$5,000), which bond shall be paid for by the district, and  
 27 shall be conditioned upon faithful performance of the duties of his office  
 28 and his accounting for all moneys of the library district received by him  
 29 or under his control. The treasurer shall supervise all moneys raised for  
 30 the library district by taxation or received by the district from any other  
 31 sources and shall supervise all disbursements of funds of the district by  
 32 order of the board of trustees.

33 Under the direction of the board of trustees, the treasurer shall have  
 34 all moneys of the district deposited in accordance with the public deposi-  
 35 tory law and other applicable state and federal laws.

36 The board of trustees of each library district shall appoint some qual-  
 37 ified person, who may or may not be a member of the board of trustees, to  
 38 act as clerk of the library board. The clerk shall ~~conduct library district~~  
 39 ~~elections, other than for excision, annexation, consolidation, or division;~~  
 40 ~~shall~~ prepare and distribute legal notices, and shall have other duties as  
 41 the board may prescribe.

42 SECTION 10. That Section 34-102, Idaho Code, be, and the same is hereby  
 43 amended to read as follows:

44 34-102. "PRIMARY ELECTION" DEFINED -- PURPOSES. "Primary election"  
 45 means an election held for the purpose of nominating persons as candidates



1 of political parties for election to offices, and for the purpose of elect-  
 2 ing persons as members of the controlling committees of political parties.  
 3 Primary elections shall be held on the ~~fourth~~ third Tuesday of May in each  
 4 even-numbered year.

5 "Presidential primary" or "presidential preference primary" means an  
 6 election held for the purpose of allowing voters to express their choice for  
 7 candidates for nominations for president of the United States. Presidential  
 8 primary elections shall be held in conjunction with the primary election, on  
 9 the ~~fourth~~ third Tuesday of May in each presidential election year.

10 SECTION 11. That Section 34-106, Idaho Code, be, and the same is hereby  
 11 amended to read as follows:

12 34-106. LIMITATION UPON ELECTIONS. On and after January 1, 2011,  
 13 notwithstanding any other provisions of the law to the contrary, there shall  
 14 be no more than two (2) elections conducted in any county in any calendar  
 15 year, except as provided in this section, and except that elections to fill  
 16 vacancies in the United States house of representatives shall be held as  
 17 provided in the governor's proclamation.

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

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

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

21 (c) In addition to the elections specified in paragraphs (a) and (b)  
 22 of this subsection (1) and subsection (7) of this section, an emergency  
 23 election may be called upon motion of the governing board of a political  
 24 subdivision. An emergency exists when there is a great public calamity,  
 25 such as an extraordinary fire, flood, storm, epidemic, or other disas-  
 26 ter, or if it is necessary to do emergency work to prepare for a national  
 27 or local defense, or it is necessary to do emergency work to safeguard  
 28 life, health or property. ~~Such a special election, if conducted by the~~  
 29 ~~county clerk, shall be conducted at the expense of the political subdivi-~~  
 30 ~~sion submitting the question.~~

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

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

37 (4) The governing board of each political subdivision subject to the  
 38 provisions of this section, which, prior to January 1, 2011, conducted an  
 39 election for members of that governing board on a date other than a date per-  
 40 mitted in subsection (1) of this section, shall establish as the election  
 41 date for that political subdivision the date authorized in subsection (1) of  
 42 this section which falls nearest the date on which elections were previously  
 43 conducted, unless another date is established by law.

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

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

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

6 (8) Initiative, referendum, ~~recall~~, bond, levy and any other ballot  
 7 question elections conducted by any political subdivision shall be held on  
 8 the nearest date authorized in subsections (1) and ~~(7)~~ of this section which  
 9 falls more than forty-five (45) days after the clerk of the political subdi-  
 10 vision orders that such election shall be held, unless otherwise provided by  
 11 law.

12 (9) Recall elections may be held on ~~a different date as any of the four~~  
 13 (4) dates authorized in subsections (1) and (7), ~~and on the second Tuesday of~~  
 14 March and the last Tuesday of August, as determined by the county clerk after  
 15 receipt of necessary petitions of this section that falls more than forty-  
 16 five (45) days after the clerk of the political subdivision orders that such  
 17 election shall be held.

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

23 SECTION 12. That Section 34-717, Idaho Code, be, and the same is hereby  
 24 amended to read as follows:

25 34-717. WITHDRAWAL OF CANDIDACY. A candidate for nomination or candi-  
 26 date for election to a partisan office may withdraw from the election by  
 27 filing a notarized statement of withdrawal with the officer with whom his  
 28 declaration of candidacy was filed. The statement must contain all informa-  
 29 tion necessary to identify the candidate and the office sought and the reason  
 30 for withdrawal. The filing officer shall immediately notify the proper cen-  
 31 tral committee of the party, if any, of the individual withdrawing. A can-  
 32 didate may not withdraw later than forty-five (45) days before an election,  
 33 except in the case of a general election when the deadline shall be no later  
 34 than September 7. Filing fees paid by the candidate shall not be refunded.

35 Any candidate who has filed a statement of withdrawal pursuant to this  
 36 section shall not be allowed to be appointed to fill a vacancy unless such  
 37 vacancy occurs because of the death of a previous candidate.

38 SECTION 13. That Section 34-902, Idaho Code, be, and the same is hereby  
 39 amended to read as follows:

40 34-902. COUNTY COMMISSIONERS TO PROVIDE SUFFICIENT BALLOTS AND BAL-  
 41 LOT BOXES FOR EACH POLLING PLACE AT ALL ELECTIONS. ~~At its regular meeting in~~  
 42 ~~March,~~ ~~†~~The board of county commissioners shall authorize that a suitable  
 43 number of ballots be printed for each polling place. The county clerk shall  
 44 cause such ballots to be printed upon receiving final instructions from the  
 45 secretary of state, and the cost shall be paid from the county treasury. The  
 46 board of county commissioners shall authorize the printing of ballots in the

1 same manner for special elections when such special election is ordered by  
2 the governor or provided by law.

3 The board of county commissioners shall also provide a suitable number  
4 of ballot boxes for each polling place within the county, and shall have com-  
5 plete authority to determine the specifications for such ballot boxes.

6 SECTION 14. That Section 34-1003, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 34-1003. ISSUANCE OF ABSENTEE BALLOT. Upon receipt of an application  
9 for an absent elector's ballot within the proper time, the county clerk re-  
10 ceiving it shall examine the records of his office to ascertain whether or  
11 not such applicant is registered and lawfully entitled to vote as requested  
12 and, if found to be so, he shall arrange for the applicant to vote by absent  
13 elector's ballot. The absentee ballot may be delivered to the absent elec-  
14 tor in the office of the county clerk, by postage prepaid mail or by other  
15 appropriate means, including use of a facsimile machine or other electronic  
16 transmission. Validly requested absentee ballots for candidates for fed-  
17 eral office, where the request is received at least forty-five (45) days be-  
18 fore an election, shall be sent not later than forty-five (45) days before  
19 that election to all electors who are entitled to vote by absentee ballot.

20 Pursuant to the uniformed and overseas citizens absentee voting act  
21 (UOCAVA, 42 U.S.C. 1973 ff, et seq., as amended) the secretary of state shall  
22 establish procedures for the transmission of blank absentee ballots by mail  
23 and by electronic transmission for all electors who are entitled to vote by  
24 absentee ballot under the uniformed and overseas citizens absentee voting  
25 act, and by which such electors may designate whether the elector prefers the  
26 transmission of such ballots by mail or electronically. If no preference  
27 is stated, the ballots shall be transmitted by mail. The secretary of state  
28 shall establish procedures for transmitting such ballots in a manner that  
29 shall protect the security and integrity of such ballots and the privacy of  
30 the elector throughout the process of transmission.

31 A political party may supply a witness to accompany the clerk in the per-  
32 sonal delivery of an absentee ballot. If the political party desires to sup-  
33 ply a witness it shall be the duty of the political party to supply the names  
34 of such witnesses to the clerk no later than forty-five (45) days prior to the  
35 election. The clerk shall notify such witnesses of the date and approximate  
36 hour the clerk or deputy clerk intends to deliver the ballot.

37 A candidate for public office or a spouse of a candidate for public of-  
38 fice shall not be a witness in the personal delivery of absentee ballots.

39 An elector physically unable to mark his own ballot may receive assis-  
40 tance in marking such ballot from the officer delivering same or an available  
41 person of his own choosing. In the event the election officer is requested to  
42 render assistance in marking an absent elector's ballot, the officer shall  
43 ascertain the desires of the elector and shall vote the applicant's ballot  
44 accordingly. When such ballot is marked by an election officer, the wit-  
45 nesses on hand shall be allowed to observe such marking. No county clerk,  
46 deputy, or other person assisting a disabled voter shall attempt to influ-  
47 ence the vote of such elector in any manner.

1 SECTION 15. That Section 34-1401, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 34-1401. ELECTION ADMINISTRATION. Notwithstanding any provision to  
4 the contrary, the county clerk shall administer all elections on behalf of  
5 any political subdivision, subject to the provisions of this chapter, in-  
6 cluding all special district elections and elections of special questions  
7 submitted to the electors as provided in this chapter. Water districts gov-  
8 erned by chapter 6, title 42, Idaho Code, recreational water and/or sewer  
9 districts as defined in section 42-3202A, Idaho Code, ground water recharge  
10 districts governed by chapter 42, title 42, Idaho Code, ground water manage-  
11 ment districts governed by chapter 51, title 42, Idaho Code, ground water  
12 districts governed by chapter 52, title 42, Idaho Code, and irrigation dis-  
13 tricts governed by title 43, Idaho Code, are exempt from the provisions of  
14 this chapter. Municipal elections shall be conducted under the provisions  
15 of this chapter except for the specific provisions of chapter 4, title 50,  
16 Idaho Code. All ~~municipal~~, school district and highway district elections  
17 shall be conducted pursuant to the provisions of this chapter 14, title 34,  
18 Idaho Code. All highway district and school district elections shall be  
19 administered by the clerk of the county wherein the district lies. Elec-  
20 tions in a joint school district or other political subdivisions that extend  
21 beyond the boundaries of a single county shall be conducted jointly by the  
22 clerks of the respective counties, and the clerk of the home county shall  
23 exercise such powers as are necessary to coordinate the election. "Home  
24 county" shall be defined as the county in which the business office for the  
25 district or political subdivision is located. For the purposes of achieving  
26 uniformity, the secretary of state shall, from time to time, provide di-  
27 rectives and instructions to the various county clerks. Unless a specific  
28 exception is provided in this chapter, the provisions of this chapter shall  
29 govern in all questions regarding the conduct of elections on behalf of all  
30 political subdivisions. In all matters not specifically covered by this  
31 chapter, other provisions of title 34, Idaho Code, governing elections shall  
32 prevail over any special provision which conflicts therewith.

33 The county clerk shall conduct the elections for political subdivisions  
34 and shall perform all necessary duties of the election official of a polit-  
35 ical subdivision including, but not limited to, notice of the filing dead-  
36 line, notice of the election, and preparation of the election calendar.

37 SECTION 16. That Section 34-1404, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39 34-1404. DECLARATION OF CANDIDACY. Candidates for election in any  
40 political subdivision shall be nominated by nominating petitions, each of  
41 which shall bear the name of the nominee, the office for which the nomination  
42 is made, the term for which nomination is made, bear the signature of not less  
43 than five (5) electors of the candidate's specific zone or district of the  
44 political subdivision, and be filed with the clerk of the political subdivi-  
45 sion. The form of the nominating petition shall be as provided by the county  
46 clerk and shall be uniform for all political subdivisions. For an election  
47 to be held on the third Tuesday in May, in even-numbered years, the nomina-  
48 tion petition shall be filed during the period specified in section 34-704,

1 Idaho Code. The ~~election official~~ clerk of the political subdivision shall  
 2 verify the qualifications of the nominees and shall, no more than seven (7)  
 3 days after the close of filing, certify the nominees and any special ques-  
 4 tions placed by action of the governing board of the political subdivision.  
 5 For an election to be held on the first Tuesday after the first Monday of  
 6 November, in even-numbered years, the nomination shall be filed on or before  
 7 September 1. The ~~election official~~ clerk of the political subdivision shall  
 8 verify the qualifications of the nominees, and shall not later than seven (7)  
 9 days after the close of filing, certify the nominees and any special ques-  
 10 tions placed by action of the governing board of the political subdivisions.  
 11 For all other elections, the nomination shall be filed not later than 5:00  
 12 p.m. on the ~~sixth~~ ninth Friday preceding the election for which the nomina-  
 13 tion is made. The ~~election official~~ clerk of the political subdivision shall  
 14 verify the qualifications of the nominee, and shall not more than seven (7)  
 15 days following the filing certify the nominees and any special questions,  
 16 placed by action of the governing board of the political subdivisions, to be  
 17 placed on the ballot of the political subdivision.

18 SECTION 17. That Chapter 14, Title 34, Idaho Code, be, and the same is  
 19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 20 ignated as Section 34-1405A, Idaho Code, and 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-five (45) days before  
 27 an election.

28 SECTION 18. That Section 34-1406, Idaho Code, be, and the same is hereby  
 29 amended to read as follows:

30 34-1406. NOTICE OF ELECTION. The county clerk shall give notice for  
 31 each political subdivision for any election by publishing such notice in the  
 32 official newspaper of the county. The notice shall state the date of the  
 33 election, the polling places, and the hours during which the polls shall be  
 34 open for the purpose of voting. The first publication shall be made not less  
 35 than twelve (12) days prior to the election, and the last publication of no-  
 36 tice shall be made not less than five (5) days prior to the election. For each  
 37 primary, general and special election, the county clerk shall cause to be  
 38 published a facsimile, except as to size, of the sample ballot in at least two  
 39 (2) newspapers published within the county, but if this is not possible, the  
 40 sample ballot shall be published in one (1) newspaper published within the  
 41 county or one (1) newspaper that has general circulation within the county.  
 42 Such publication shall be in conjunction with the second notice of election  
 43 required by this section. The political subdivision shall notify the county  
 44 clerk in writing of the ~~county's~~ official newspaper of the political subdivi-  
 45 vision.

1 SECTION 19. That Section 34-1407, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 34-1407. WRITE-IN CANDIDATES. No write-in candidate for any nonparti-  
4 san elective office shall be counted unless a declaration of intent has been  
5 filed indicating that the person desires the office and is legally qualified  
6 to assume the duties of the office. The declaration of intent shall be filed  
7 with the ~~election official~~ clerk of the political subdivision not less than  
8 ~~twentyfour~~-five (245) days before the date of the election.

9 If the statutes governing elections within a specific political subdi-  
10 vision provide that no election shall be held in the event that no more than  
11 one (1) candidate has filed for an office, that statute shall be interpreted  
12 in such a manner as to allow for filing a declaration of intent for a write-in  
13 candidate until ~~twentyfour~~-five (245) days preceding the election. How-  
14 ever, if no candidate has filed within that time, no election shall be held  
15 for that political subdivision. The provisions of this section shall not ap-  
16 ply to candidates in the primary or general election covered by the provi-  
17 sions of section 34-702A, Idaho Code.

18 SECTION 20. That Section 34-1410, Idaho Code, be, and the same is hereby  
19 amended to read as follows:

20 34-1410. CANVASSING OF ELECTION RESULTS. The board of county commis-  
21 sioners shall conduct the canvass of the election results within ten (10)  
22 days after the election, in the manner provided in chapter 12, title 34,  
23 Idaho Code. The county clerk shall certify the election results to the clerk  
24 of each political subdivision for which an election was held. Each political  
25 subdivision shall issue the appropriate certificates of election.

26 SECTION 21. That Chapter 14, Title 34, Idaho Code, be, and the same is  
27 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
28 ignated as Section 34-1412, Idaho Code, and to read as follows:

29 34-1412. TERMS OF OFFICE GOING BEYOND NEXT ELECTION DATE. Notwith-  
30 standing any other provision of law to the contrary, whenever a member of the  
31 governing board of a taxing district has been elected to a term of office that  
32 goes beyond the next election date as provided by statute, such member of the  
33 governing board shall be entitled to serve his or her term of office and shall  
34 continue to serve until the following election provided by statute. All gov-  
35 erning board members elected on and after January 1, 2011, shall serve terms  
36 of office beginning and ending as otherwise provided by statute.

37 SECTION 22. That Section 39-1330, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39 39-1330. BIENNIAL ELECTION OF BOARD MEMBERS -- TERMS OF OFFICE. On the  
40 third Tuesday of May in the next odd-numbered calendar year after the organ-  
41 ization of any district, and on the third Tuesday of May every second year  
42 thereafter, an election shall be held which shall be known as the biennial  
43 election of the district.

1 At the first biennial election in any district hereafter organized and  
 2 each sixth year thereafter there shall be elected by the qualified electors  
 3 of the district three (3) members of the board to serve for a term of six (6)  
 4 years; at the second biennial election and each sixth year thereafter there  
 5 shall be elected two (2) members of the board to serve for a term of six (6)  
 6 years; at the third biennial election and each sixth year thereafter there  
 7 shall be elected two (2) members of the board to serve for terms of six (6)  
 8 years.

9 ~~Nominations may be filed with the secretary of the board not later than~~  
 10 ~~the sixth Friday preceding the election for which the nomination is made, and~~  
 11 ~~if a nominee does not withdraw his name before the first publication of the~~  
 12 ~~notice of election, his name shall be placed on the ballot.~~ The county clerk  
 13 shall provide for holding such elections and shall appoint judges to conduct  
 14 it; the county clerk shall give notice of election by publication and shall  
 15 arrange such other details in connection therewith as the board may direct.  
 16 The returns of the election shall be certified to and shall be canvassed and  
 17 declared by the board of county commissioners. The candidate or candidates  
 18 according to the number of directors to be elected, receiving the most votes  
 19 shall be elected. Any new member of the board shall qualify in the same man-  
 20 ner as members of the first board qualify.

21 In any election for director, if after the deadline for filing a decla-  
 22 ration of intent as a write-in candidate, it appears that only one (1) quali-  
 23 fied candidate has been nominated for a director's position, it shall not be  
 24 necessary for the candidate to stand for election, and the board of directors  
 25 of the district shall declare such candidate elected as a director, and the  
 26 secretary of the board of the district shall immediately make and deliver to  
 27 such person a certificate of election.

28 For the purpose of achieving an orderly transition to a term of six (6)  
 29 years and to hold trustee elections in odd-numbered years, the following  
 30 schedule shall be followed:

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

34 (b) For trustees elected in 2006, their terms shall expire in 2013 and  
 35 the terms for each of those elected in 2013 shall be six (6) years and  
 36 thereafter those terms shall be for six (6) years;

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

40 (d) For trustees elected in 2008, their terms shall expire in 2015 and  
 41 the terms for each of those elected in 2015 shall be six (6) years and  
 42 thereafter those terms shall be for six (6) years;

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

46 (f) For trustees elected in 2010, their terms shall expire in 2017 and  
 47 the terms for each of those elected in 2017 shall be six (6) years and  
 48 thereafter those terms shall be for six (6) years.

49 SECTION 23. That Section 40-1304, Idaho Code, be, and the same is hereby  
 50 amended to read as follows:

1           40-1304. DIVISION OF DISTRICTS INTO SUBDISTRICTS -- VACANCY IN OFFICE  
2 OF HIGHWAY COMMISSIONER. (1) At the meeting of the county commissioners at  
3 which the highway district is declared organized, the commissioners shall  
4 divide the highway district into three (3) subdistricts, as nearly equal in  
5 population, area and mileage as practicable, to be known as highway commis-  
6 sioners subdistricts one, two and three. Subdistricts may be revised or mod-  
7 ified by the highway district commissioners as changes in conditions demand.  
8 Not more than one (1) of the highway district commissioners shall be an elec-  
9 tor of the same highway subdistrict. The first highway district commis-  
10 sioners appointed by the governor shall serve until the next highway district  
11 election, at which their successors shall be elected. The highway commis-  
12 sioners shall take office on ~~the date specified in the certificate of elec-~~  
13 ~~tion but not more than sixty (60) days~~ July 1 following their election.

14           (2) Any vacancy occurring in the office of highway commissioner, other  
15 than by expiration of the term of office, shall be determined by the remain-  
16 ing highway district commissioners using the criteria established in sec-  
17 tion 59-901, Idaho Code. If it is determined that a vacancy has occurred,  
18 the commissioners shall declare there is a vacancy and such vacancy shall be  
19 filled by the highway district board and be for the balance of the term of the  
20 person replaced. If the remaining highway district commissioners are unable  
21 to agree on a person to fill the vacancy within ten (10) days after the va-  
22 cancy occurs, the chairman of the county commissioners of the county with the  
23 largest number of electors in the highway district shall then become a member  
24 of the highway district board for the purpose of filling the vacancy only.  
25 If a majority of the highway district board so constituted shall be unable to  
26 agree upon a person to fill the vacancy within ten (10) days, or if two (2) or  
27 more vacancies shall occur in the board of highway commissioners at one (1)  
28 time, a special election to fill the vacancy shall be called and held in the  
29 same manner provided by law for the holding of elections for highway commis-  
30 sioners, except that the date of the election shall be as soon as possible,  
31 and all duties imposed by law upon the highway district board in connection  
32 with elections shall be performed by the county commissioners.

33           (3) When there are two (2) or more vacancies on the highway district  
34 board at the same time, the chairman of the county commissioners along with  
35 the additional county commissioners that the county commission chairman ap-  
36 points, and with the remaining highway district commissioner, if applica-  
37 ble, shall constitute a temporary board of highway district commissioners.  
38 The temporary board of highway district commissioners shall perform the du-  
39 ties required by law of a highway district board of commissioners until the  
40 newly elected highway commissioners take office.

41           SECTION 24. That Section 42-3211, Idaho Code, be, and the same is hereby  
42 amended to read as follows:

43           42-3211. ELECTIONS -- TERMS OF OFFICE. (1) On the third Tuesday in May,  
44 in the first odd-numbered year after the organization of any district, and  
45 on the third Tuesday in May every second year thereafter an election shall  
46 be held, which shall be known as the biennial election of the district. Such  
47 election shall be held and conducted consistent with the provisions of chap-  
48 ter 14, title 34, Idaho Code.



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

3 (3) At the first biennial election in any district hereafter organized,  
4 and each sixth year thereafter, there shall be elected by the qualified elec-  
5 tors of the district, one (1) member of the board to serve for a term of six  
6 (6) years; at the second biennial election and each sixth year thereafter,  
7 there shall be elected two (2) members of the board to serve for terms of six  
8 (6) years, and at the third biennial election, and each sixth year there-  
9 after, there shall be elected two (2) members of the board to serve for terms  
10 of six (6) years.

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

21 In any election for director, if after the deadline for filing a decla-  
22 ration of intent as a write-in candidate, it appears that the number of qual-  
23 ified candidates who have been nominated is equal to the number of directors  
24 to be elected, it shall not be necessary for the candidates to stand for elec-  
25 tion, and the board of directors shall declare such candidates elected as  
26 directors, and the secretary of the district shall immediately make and de-  
27 liver to such persons certificates of election signed by him and bearing the  
28 seal of the district.

29 SECTION 25. That Section 50-1026, Idaho Code, be, and the same is hereby  
30 amended to read as follows:

31 50-1026. CITY BONDS -- ORDINANCE -- ELECTION. Whenever the city coun-  
32 cil of a city shall deem it advisable to issue the coupon bonds of such city,  
33 the mayor and council shall provide therefor by ordinance, which shall spec-  
34 ify and set forth all the purposes, objects, matters and things required by  
35 section 57-203, Idaho Code, and make provision for the collection of an an-  
36 nual tax sufficient to pay the interest on such proposed bonds as it falls  
37 due, and also to constitute a sinking fund for the payment of the principal  
38 thereof within thirty (30) years from the time of contracting the same as re-  
39 quired by the constitution and laws of the state of Idaho.

40 The ordinance shall also provide the date for holding an election that  
41 is in accordance with the dates authorized in section 50-405, Idaho Code, ~~of~~  
42 which falls more than forty-five (45) days after the clerk of the political  
43 subdivision orders that such election shall be held. Notice shall be given  
44 in the official newspaper of the city by the county clerk in accordance with  
45 election law in title 34, Idaho Code. Such election shall be conducted as  
46 other city elections. The voting at such elections must be by ballot, and the  
47 ballot used shall be substantially as follows: "In favor of issuing bonds to  
48 the amount of .... dollars for the purpose stated in Ordinance No. ....,"  
49 and "Against issuing bonds to the amount of .... dollars for the purpose

1 stated in Ordinance No. . . . ." If at such election, held as provided in this  
2 chapter, two-thirds (2/3) of the qualified electors voting at such election,  
3 assent to the issuing of such bonds and the incurring of the indebtedness  
4 thereby created for the purpose aforesaid, such bonds shall be issued in the  
5 manner provided by the laws of the state of Idaho.

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

8 67-4911. ELECTIONS -- TERMS OF OFFICE. On an election date as provided  
9 for in section 34-106(1), Idaho Code, in ~~November~~ May of the first odd-num-  
10 bered year after the organization of any district, and every second year  
11 thereafter, an election shall be held, which shall be known as the biennial  
12 election of the district.

13 At the first biennial election in any district hereafter organized, and  
14 each sixth year thereafter, there shall be elected by the qualified electors  
15 of the district, one (1) member of the board to serve for a term of six (6)  
16 years; at the second biennial election and each sixth year thereafter, there  
17 shall be elected two (2) members of the board to serve for terms of six (6)  
18 years, and at the third biennial election, and each sixth year thereafter,  
19 there shall be elected two (2) members of the board to serve for terms of six  
20 (6) years. Provided, a member of the board once in office shall serve until  
21 his successor is elected, qualified and takes office.

22 Not later than 5:00 p.m. on the ~~sixth~~ ninth Friday before any such elec-  
23 tion, nominations may be filed with the secretary of the board ~~and if a nomi-~~  
24 ~~nee does not withdraw his name before the first publication of the notice of~~  
25 ~~election, his name shall be placed on the ballot.~~ The county clerk shall pro-  
26 vide for holding such election and shall appoint judges to conduct it. The  
27 county clerk shall give notice of election by publication, and shall arrange  
28 such other details in connection therewith. Adequate polling places shall  
29 be provided throughout the district boundaries for all elections. The re-  
30 turns of the election shall be certified to and shall be canvassed and de-  
31 clared by the board of county commissioners which shall report the results  
32 to the district. The candidate or candidates, according to the number of di-  
33 rectors to be elected, receiving the most votes, shall be elected. Any new  
34 member of the board shall qualify in the same manner as members of the first  
35 board qualify.

36 In any election for director, if after the deadline for filing a decla-  
37 ration of intent as a write-in candidate, it appears that the number of qual-  
38 ified candidates who have been nominated is equal to the number of directors  
39 to be elected, it shall not be necessary for the candidates to stand for elec-  
40 tion, and the board shall declare such candidates elected as directors, and  
41 the secretary of the board shall immediately make and deliver to such persons  
42 certificates of election signed by him and bearing the seal of the district.

43 SECTION 27. An emergency existing therefor, which emergency is hereby  
44 declared to exist, this act shall be in full force and effect on and after its  
45 passage and approval, and retroactively to January 1, 2011.