

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 553

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO CIVIL OFFICES; AMENDING SECTION 59-901, IDAHO CODE, TO PROVIDE FOR VACANCIES IN ELECTIVE CIVIL OFFICES UPON THE OCCURRENCE OF CERTAIN SPECIFIED CONDITIONS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 59-901, Idaho Code, be, and the same is hereby amended to read as follows:

59-901. HOW VACANCIES OCCUR. (1) Every elective civil office shall be vacant upon the happening of either any of the following events at any time before the expiration of the term of such office, as follows:

~~1.~~ (a) The resignation of the incumbent.

~~2.~~ (b) His The death of the incumbent.

~~3.~~ (c) His ~~r~~Removal of the incumbent from office by lawful procedure.

~~4.~~ (d) The decision of a competent tribunal declaring his an elective office vacant due to apparent abandonment or prolonged incapacity or absence, or other basis as determined by the tribunal, provided such apparent abandonment, prolonged incapacity, absence or other basis is in excess of ninety (90) days.

~~5.~~ (e) His The incumbent ceasing to be a resident of the state, district or county in which the duties of his office are to be exercised, or for which he may have been elected.

~~6.~~ (f) A failure to elect someone at the proper election, there being no incumbent to continue in office until his a successor is elected and qualified, nor other lawful provisions relating thereto for filling an elective office.

~~7.~~ (g) A forfeiture of elective office as provided by any law of the state.

~~8.~~ (h) Conviction of an incumbent officeholder of any infamous crime felony, or of any public offense involving the violation of his oath of office.

~~9.~~ (i) The acceptance of a commission to any military office, either in the militia of this state, or in the service of the United States, which requires the incumbent in the civil office to exercise his military duties out of the state for a period of not less than sixty (60) days.