

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 161

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTION CONSOLIDATION; AMENDING SECTION 33-2709, IDAHO CODE,  
2 TO REVISE ELECTION PROCEDURES FOR LIBRARY DISTRICTS IN CERTAIN IN-  
3 STANCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2717A,  
4 IDAHO CODE, TO REVISE TIME REQUIREMENTS FOR DECLARATION OF INTENT FOR  
5 WRITE-IN CANDIDATES; AMENDING SECTION 34-106, IDAHO CODE, TO REVISE  
6 TIMING REQUIREMENTS FOR INITIATIVE, REFERENDUM, BOND, LEVY AND ANY  
7 OTHER BALLOT QUESTION ELECTIONS AND TO MAKE A TECHNICAL CORRECTION;  
8 AMENDING SECTION 34-1002, IDAHO CODE, TO REVISE A CATCHLINE, TO REVISE  
9 PROVISIONS RELATING TO AN APPLICATION FOR AN ABSENTEE ELECTOR'S BAL-  
10 LOT FOR CERTAIN ELECTORS AND TO MAKE A TECHNICAL CORRECTION; AMENDING  
11 SECTION 34-1703, IDAHO CODE, TO REVISE PETITION REQUIREMENTS FOR RE-  
12 CALL AND CITY INITIATIVE ELECTIONS; AMENDING SECTION 34-1704, IDAHO  
13 CODE, TO REVISE REQUIREMENTS FOR PRINTING OF PETITION AND SHEETS FOR  
14 SIGNATURES AND TIME LIMITS FOR PERFECTING A PETITION; AMENDING SEC-  
15 TION 34-1706, IDAHO CODE, TO REVISE REQUIREMENTS FOR EXAMINATION AND  
16 CERTIFICATION OF SIGNATURES; AMENDING SECTION 34-1707, IDAHO CODE, TO  
17 REVISE REQUIREMENTS FOR SUFFICIENCY OF PETITION, NOTIFICATION AND EF-  
18 FECT OF RESIGNATION FOR A SPECIAL ELECTION; AMENDING SECTION 34-1711,  
19 IDAHO CODE, TO REVISE PROVISIONS REGARDING CANVASS OF RETURNS; AMENDING  
20 SECTION 34-1712, IDAHO CODE, TO REVISE NOTICE PROVISIONS AND TO MAKE A  
21 TECHNICAL CORRECTION; AMENDING SECTION 34-1713, IDAHO CODE, TO REVISE  
22 PROVISIONS REGARDING THE TIME WITHIN WHICH A RECALL MAY BE FILED; AMEND-  
23 ING SECTION 50-501, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND  
24 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-1044, IDAHO CODE, TO  
25 REVISE TIMING REQUIREMENTS FOR CERTAIN ELECTIONS AND TO MAKE TECHNICAL  
26 CORRECTIONS; AND DECLARING AN EMERGENCY.  
27

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

29 SECTION 1. That Section 33-2709, Idaho Code, be, and the same is hereby  
30 amended to read as follows:

31 33-2709. EXISTING ~~TAX-SUPPORTED~~ TAX SUPPORTED CITY LIBRARIES MAY JOIN  
32 LIBRARY DISTRICTS. Any ~~tax-supported~~ tax supported city library may join an  
33 established library district by majority vote of the qualified electors of  
34 the city according to procedure set forth in section 33-2707, Idaho Code. A  
35 true copy of the petition and the district library board's notice of approval  
36 or disapproval shall be sent to the city council. When the notice carries the  
37 approval of the district library board, the city ~~council shall conduct the~~  
38 ~~election and give notice of the results to the library district board and the~~  
39 ~~board of county commissioners~~ clerk shall order the election and give notice  
40 to the county clerk who shall conduct the election in a manner consistent  
41 with chapter 14, title 34, Idaho Code, and at such time as prescribed in sec-  
42 tion 34-106, Idaho Code. After receiving the certification of results of the

1 election from the county clerk, the city council shall give notice of those  
2 results to the library district board and the board of county commissioners.

3 If the proposal has been approved by the majority required, the board of  
4 county commissioners of the home county of the district shall enter its order  
5 amending the boundaries of the district, including a map drawn in a drafts-  
6 manlike manner, and a copy shall be transmitted to the board of trustees of  
7 the library district, to the board of county commissioners of the county in  
8 which the petition arose, and to the board of library commissioners.

9 The board of trustees of the library district shall transmit a copy of  
10 the order to the county recorder, the county assessor of the home county and  
11 the state tax commission in a timely manner, but no later than December 15, in  
12 the year in which the election was held.

13 Addition of new territory to an existing library district shall not  
14 be considered an initial establishment. The existing district board of  
15 trustees shall continue to serve for the terms for which elected. When a  
16 vacancy occurs, appointment shall be made as provided in section 33-2716,  
17 Idaho Code.

18 SECTION 2. That Section 33-2717A, Idaho Code, be, and the same is hereby  
19 amended to read as follows:

20 33-2717A. DECLARATION OF INTENT FOR WRITE-IN CANDIDATE. No write-in  
21 vote for library district trustee in a library district election shall be  
22 counted unless a declaration of intent has been filed indicating that the  
23 person desires the office and is legally qualified to assume the duties of  
24 library trustee if elected. The declaration of intent shall be filed with  
25 the clerk of the library board not later than ~~twenty-five (25)~~ forty-five  
26 (45) days before the day of election.

27 SECTION 3. That Section 34-106, Idaho Code, be, and the same is hereby  
28 amended to read as follows:

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

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

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

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

38 (c) In addition to the elections specified in paragraphs (a) and (b)  
39 of this subsection (1) and subsection (7) of this section, an emergency  
40 election may be called upon motion of the governing board of a political  
41 subdivision. An emergency exists when there is a great public calamity,  
42 such as an extraordinary fire, flood, storm, epidemic, or other disas-  
43 ter, or if it is necessary to do emergency work to prepare for a national  
44 or local defense, or it is necessary to do emergency work to safeguard  
45 life, health or property.

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

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

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

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

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

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

24 (8) Initiative, referendum, bond, levy and any other ballot question  
25 elections conducted by any political subdivision shall be held on the near-  
26 est date authorized in subsection (1) of this section which falls more than  
27 ~~forty-five (45)~~ sixty (60) days after the clerk of the political subdivision  
28 orders that such election shall be held in May and November of even-numbered  
29 years and fifty (50) days for all other elections, unless otherwise provided  
30 by law. Ballot language for any question to be placed on the ballot shall be  
31 submitted to the county clerk at least sixty (60) days before the election  
32 held in May and November of even-numbered years and at least fifty (50) days  
33 for all other elections.

34 (9) Recall elections may be held on any of the four (4) dates authorized  
35 in subsections (1) and (7) of this section that falls more than forty-five  
36 (45) days after the clerk of the political subdivision orders that such elec-  
37 tion shall be held.

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

43 SECTION 4. That Section 34-1002, Idaho Code, be, and the same is hereby  
44 amended to read as follows:

45 34-1002. APPLICATION FOR ABSENTEE BALLOT ~~---PRIMARY---ELEC-~~  
46 ~~TIONS.~~ (1) Any registered elector may make written application to the  
47 county clerk, or other proper officer charged by law with the duty of issuing  
48 official ballots for such election, for an official ballot or ballots of the  
49 kind or kinds to be voted at the election. The application shall contain the

1 name of the elector, the elector's home address, county, and address to which  
2 such ballot shall be forwarded.

3 (2) In order to provide the appropriate primary election ballot to  
4 electors, in the event a political party elects to allow unaffiliated elec-  
5 tors to vote in that party's primary election pursuant to section 34-904A,  
6 Idaho Code, the elector shall designate, as part of the written application  
7 for a ballot for primary elections, the elector's party affiliation or des-  
8 ignation as "unaffiliated." The application shall contain checkoff boxes  
9 for "unaffiliated" electors by which such electors shall indicate for which  
10 party's primary ballot the "unaffiliated" elector chooses to vote. Provided  
11 however, that no political party's primary election ballot shall be provided  
12 to an "unaffiliated" elector for a political party that has not elected to  
13 allow "unaffiliated" electors to vote in that political party's primary  
14 election pursuant to section 34-904A, Idaho Code. If an "unaffiliated"  
15 elector does not indicate a choice of political party's primary election  
16 ballot, the elector shall receive a nonpartisan ballot.

17 (3) In order to provide the appropriate primary election ballot to  
18 electors, in the event one (1) or more political parties elect to allow elec-  
19 tors affiliated with a different political party to vote in that party's  
20 primary election, the application shall contain checkoff boxes by which such  
21 electors may indicate the primary ballot in which the elector wishes to vote.

22 (4) For electors who are registered to vote as of January 1, 2012, and  
23 who remain registered electors, the elector shall designate, as part of  
24 the written application for a ballot for the 2012 primary elections, the  
25 elector's party affiliation or designation as "unaffiliated." The appli-  
26 cation shall contain checkoff boxes for "unaffiliated" electors by which  
27 such electors shall indicate for which party's primary election ballot the  
28 "unaffiliated" elector chooses to vote, pursuant to section 34-904A, Idaho  
29 Code. Provided however, that no political party's primary election ballot  
30 shall be provided to an "unaffiliated" elector for a political party that has  
31 not elected to allow "unaffiliated" electors to vote in the party's primary  
32 election pursuant to section 34-904A, Idaho Code. If an "unaffiliated"  
33 elector does not indicate a choice of political party's primary election  
34 ballot, the elector shall receive a nonpartisan ballot. After the 2012  
35 primary election, the county clerk shall record the party affiliation or  
36 "unaffiliated" designation so selected on the application for an absentee  
37 ballot as part of such an elector's record within the voter registration  
38 system as provided for in section 34-437A, Idaho Code.

39 (5) After the 2012 primary election, electors who remain registered  
40 voters and who did not vote in the 2012 primary elections and who make written  
41 application for an absentee ballot shall be designated as "unaffiliated"  
42 electors as provided in section 34-404, Idaho Code, and such electors shall  
43 be given the appropriate ballot for such "unaffiliated" designation pur-  
44 suant to the provisions of this act.

45 (6) An elector may not change party affiliation or designation as "un-  
46 affiliated" on an application for absentee ballot. For primary elections,  
47 an elector may change party affiliation or designation as "unaffiliated" as  
48 provided for in section 34-411A, Idaho Code.

49 (7) The application for an absent elector's ballot shall be signed  
50 personally by the applicant. The application for a mail-in absentee ballot



1 (2) The recall petition for members of the state legislature shall be in  
2 substantially the following form:

3 RECALL PETITION

4 To the honorable . . . ., Secretary of State for the State of Idaho:

5 We, the undersigned citizens and registered electors of Legislative  
6 District No. . . . ., respectfully demand that . . . ., holding the office of  
7 . . . ., be recalled by the registered electors of Legislative District No.  
8 . . . . for the following reasons, to-wit:

9 (setting out the reasons for recall in not more than 200 words); that a spe-  
10 cial election therefor be called; that we, each for himself say: I am a reg-  
11 istered elector of Legislative District No. . . . ., my residence, ~~post-office~~  
12 address including city, and the date I signed this petition are correctly  
13 written after my name.

14 Signature Printed Name Residence City ~~or~~ Date  
15 Street and ~~Post-Office~~  
16 Number

17 (Here follow twenty numbered lines for signatures.)

18 (3) The recall petition for county officers shall be in substantially  
19 the following form:

20 RECALL PETITION

21 To the honorable . . . ., County Clerk for the County of . . . .:

22 We, the undersigned citizens and registered electors of the County of  
23 . . . ., respectfully demand that . . . ., holding the office of . . . ., of the  
24 County of . . . ., be recalled by the registered electors of the County of . . . .  
25 for the following reasons, to-wit:

26 (setting out the reasons for recall in not more than 200 words); that a  
27 special election therefor be called; that we, each for himself say: I am a  
28 registered elector of the County of . . . ., my residence, ~~post-office~~ address  
29 including city, and the date I signed this petition are correctly written  
30 after my name.

31 Signature Printed Name Residence City ~~or~~ Date  
32 Street and ~~Post-Office~~  
33 Number

34 (Here follow twenty numbered lines for signatures.)

35 (4) The recall petition for city officers shall be in substantially the  
36 following form:

37 RECALL PETITION

38 To the honorable . . . ., City Clerk for the City of . . . .:

39 We, the undersigned citizens and registered electors of the City of  
40 . . . ., respectfully demand that . . . ., holding the office of . . . ., of the City

1 of . . . ., be recalled by the registered electors of the City of . . . . for the  
 2 following reasons, to-wit:  
 3 (setting out the reasons for recall in not more than 200 words); that a  
 4 special election therefor be called; that we, each for himself say: I am a  
 5 registered elector of the City of . . . ., my residence, ~~post office~~ address  
 6 including city, and the date I signed this petition are correctly written  
 7 after my name.

8	Signature	Printed Name	Residence	City <del>or</del>	Date
9			Street and	<del>Post Office</del>	
10			Number		

11 (Here follow twenty numbered lines for signatures.)

12 (5) The recall petition for special district officers shall be in sub-  
 13 stantially the following form:

14 RECALL PETITION

15 To the honorable . . . ., County Clerk of the County of . . . .:

16 We, the undersigned citizens and registered electors of (here insert  
 17 the official name of the district), respectfully demand that . . . ., holding  
 18 the office of . . . ., of the (district), be recalled by the registered electors  
 19 of the (district) for the following reasons, to-wit: (insert the reasons  
 20 for the recall in two hundred (200) words or less); that a special election  
 21 therefor be called, that we, each for himself say: I am a registered elector  
 22 of the (district), my residence, ~~post office~~ address including city, and the  
 23 date I signed this petition are correctly written after my name.

24	Signature	Printed Name	Residence	City <del>or</del>	Date
25			Street and	<del>Post Office</del>	
26			Number		

27 (Here follow twenty numbered lines for signatures.)

28 SECTION 6. That Section 34-1704, Idaho Code, be, and the same is hereby  
 29 amended to read as follows:

30 34-1704. PRINTING OF PETITION AND SHEETS FOR SIGNATURES -- TIME LIM-  
 31 ITS FOR PERFECTING PETITION. (1) Before or at the time of beginning to circu-  
 32 late any petition for the recall of any officer subject to recall, the per-  
 33 son or persons, organization or organizations under whose authority the re-  
 34 call petition is to be circulated, shall send or deliver to the secretary of  
 35 state, county clerk, or city clerk, as the case may be, a copy of a prospec-  
 36 tive petition duly signed by at least twenty (20) electors eligible to sign  
 37 such petition. The receiving officer shall immediately examine the petition  
 38 and specify the form and kind and size of paper on which the petition shall be  
 39 printed and circulated for further signatures. All petitions and signature  
 40 sheets for recall shall be printed on a good quality bond ~~or ledger~~ paper of  
 41 standardized size in substantial conformance within the provisions of sec-

1 tion 34-1703, Idaho Code. To every sheet of petitioners' signatures shall be  
2 attached a full and correct copy of the recall petition.

3 (2) The secretary of state, county clerk, or city clerk, as the case  
4 may be, shall indicate in writing on the prospective recall petition that he  
5 has approved it as to form and the date of such approval. Upon approval as  
6 to form, the secretary of state, county clerk, or city clerk, shall inform  
7 the person or persons, organization or organizations under whose authority  
8 the recall petition is to be circulated, in writing, that the petition must  
9 be perfected with the required number of ~~certified~~ signatures within sev-  
10 enty-five (75) days following the date of approval as to form. Signatures  
11 on the prospective petition shall not be counted toward the required number  
12 of ~~certified~~ signatures. Any petition that ~~has~~ does not ~~been perfected with~~  
13 contain the required number of ~~certified~~ signatures within the seventy-five  
14 (75) days allowed shall be declared null and void ab initio in its entirety.

15 SECTION 7. That Section 34-1706, Idaho Code, be, and the same is hereby  
16 amended to read as follows:

17 34-1706. EXAMINATION AND CERTIFICATION OF SIGNATURES. All petitions  
18 with attached signature sheets shall be filed on the same day with the secre-  
19 tary of state, county clerk, or city clerk, as the case may be. The secretary  
20 of state or the city clerk shall promptly transmit the petitions and attached  
21 signature sheets to the county clerk. An examination to verify whether or  
22 not the petition signers are qualified electors shall be conducted by the  
23 county clerk and a certificate shall be attached to the signature sheets as  
24 provided in section 34-1807, Idaho Code. This examination shall not exceed  
25 fifteen (15) business days from the date of receipt of the petitions.

26 SECTION 8. That Section 34-1707, Idaho Code, be, and the same is hereby  
27 amended to read as follows:

28 34-1707. SUFFICIENCY OF PETITION -- NOTIFICATION -- EFFECT OF RESIG-  
29 NATION -- SPECIAL ELECTION. (1) In the event that a petition filed with the  
30 secretary of state is found by the secretary of state to contain the required  
31 number of certified signatures, the secretary of state shall promptly, ~~by~~  
32 ~~certified mail, inform~~ provide written notice to the officer being recalled,  
33 and the petitioner informing them, that the recall petition is in proper  
34 form.

35 (a) If the officer being recalled resigns his office within five (5)  
36 business days after notice from the secretary of state, his resignation  
37 shall be accepted and the resignation shall take effect on the day it is  
38 offered, and the vacancy shall be filled as provided by law.

39 (b) If the officer being recalled does not resign his office within five  
40 (5) business days after notice from the secretary of state, a special  
41 election shall be ordered by the secretary of state, unless he is the of-  
42 ficer being recalled, in which event the governor shall order such spe-  
43 cial election. The special election must be held on the date prescribed  
44 in section 34-106, Idaho Code. If the officer being recalled is one (1)  
45 specified in section 34-1701(1)(a), Idaho Code, the special election  
46 shall be conducted statewide. If the officer being recalled is one (1)

1 specified in section 34-1701(1) (b), Idaho Code, the special election  
2 shall be conducted only in the legislative district.

3 (2) In the event that a petition filed with the county clerk is found by  
4 the county clerk to contain the required number of certified signatures, the  
5 county clerk shall promptly, ~~by certified mail, inform~~ provide written no-  
6 tice to the officer being recalled, and the petitioner, informing them that  
7 the recall petition is in proper form.

8 (a) If the officer being recalled resigns his office within five (5)  
9 business days after notice from the county clerk, his resignation shall  
10 be accepted and the resignation shall take effect on the day it is of-  
11 fered, and the vacancy shall be filled as provided by law.

12 (b) If the officer being recalled does not resign his office within five  
13 (5) business days after notice from the county clerk, a special election  
14 shall be ordered by the county clerk. The special election must be held  
15 on the date prescribed in section 34-106, Idaho Code. The special elec-  
16 tion shall be conducted countywide.

17 (3) In the event that a petition filed with the county clerk concern-  
18 ing the recall of an official of a special district is found by the county  
19 clerk to contain the required number of certified signatures, the county  
20 clerk shall promptly, ~~by certified mail, inform~~ provide written notice to  
21 the officer being recalled, and the petitioner, and the governing board and  
22 election officials of the special district informing them that the recall  
23 petition is in proper form.

24 (a) If the officer being recalled resigns his office within five (5)  
25 business days after notice from the county clerk, his resignation shall  
26 be accepted and the resignation shall take effect on the day it is of-  
27 fered, and the vacancy shall be filled as provided by law.

28 (b) If the officer being recalled does not resign his office within five  
29 (5) business days after notice from the county clerk, a special election  
30 shall be ordered by the governing board of the special district. The  
31 special election must be held on the date prescribed in section 34-106,  
32 Idaho Code. The election shall be conducted by the county clerk in the  
33 manner provided in section 34-1401, Idaho Code.

34 (4) In the event that a petition filed with a city clerk is found by the  
35 city clerk to contain the required number of certified signatures, the city  
36 clerk shall promptly, ~~by certified mail, inform~~ provide written notice to  
37 the officer being recalled, and the petitioner, informing them that the re-  
38 call petition is in proper form.

39 (a) If the officer being recalled resigns his office within five (5)  
40 business days after notice from the city clerk, his resignation shall be  
41 accepted and the resignation shall take effect on the day it is offered,  
42 and the vacancy shall be filled as provided by law.

43 (b) If the officer being recalled does not resign his office within five  
44 (5) business days after notice from the city clerk, a special election  
45 shall be ordered by the city clerk. The special election must be held  
46 on the date prescribed in section 34-106, Idaho Code. The election  
47 shall be conducted by the county clerk in the manner provided in section  
48 34-1401, Idaho Code, and shall be conducted citywide.

49 (5) In the event that a petition is found not to have the required number  
50 of signatures, the officer shall continue in office and no new recall peti-

1 tion may be circulated for a period of ninety (90) days against the same offi-  
2 cer.

3 SECTION 9. That Section 34-1711, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 34-1711. CANVASS OF RETURNS. (1) The board of county commission-  
6 ers shall act as the board of canvassers for all special recall elections  
7 ~~involving state and county officers~~ that involve elections held wholly or  
8 partly within their county.

9 (a) For all special recall elections involving state officers, the  
10 board of county commissioners shall meet within ten (10) days after said  
11 election to canvass the votes cast at such election, and shall immedi-  
12 ately transmit to the secretary of state an abstract of the votes cast.

13 (b) Within fifteen (15) days following the special recall election  
14 held to recall a state officer, the state board of canvassers shall meet  
15 and canvass the votes cast at such election, and the secretary of state  
16 shall immediately after the completion thereof, proclaim the results.

17 (c) For all special recall elections involving county officers, the  
18 board of county commissioners shall meet within ten (10) days after  
19 said election to canvass the votes cast at such election, and the county  
20 clerk shall immediately after the completion thereof, proclaim the re-  
21 sults.

22 (d) For all special recall elections involving city ~~officers, the~~  
23 ~~mayor and council shall meet within six (6) days after said election~~  
24 ~~to canvass the votes cast at such election, and the city clerk shall~~  
25 ~~immediately after the completion thereof, proclaim the results or spe-~~  
26 cial district officials, the board of county commissioners shall meet  
27 within ten (10) days after said election to canvass the votes cast at  
28 such election, and the county clerk shall immediately after the comple-  
29 tion thereof, proclaim the results. The county clerk shall certify the  
30 results of the recall election to the clerk of the political subdivision  
31 for which the election was held.

32 SECTION 10. That Section 34-1712, Idaho Code, be, and the same is hereby  
33 amended to read as follows:

34 34-1712. GENERAL ELECTION LAWS CONTROL. (1) The provisions relating  
35 to general elections, including the payment of expenses of conducting the  
36 recall election, shall govern special recall elections except where other-  
37 wise provided ~~for~~.

38 (2) Whenever a special recall election is ordered, notice must be is-  
39 sued ~~and posted~~ in the same manner as for a general election.

40 (3) To recall any officer, a majority of the votes cast at the special  
41 recall election must be in favor of such recall, and additionally, the number  
42 of votes cast in favor of the recall must equal or exceed the votes cast at the  
43 last general election for that officer. If the officer was appointed or was  
44 not required to stand for election, then a majority of the votes cast in the  
45 recall election shall be the number necessary for recall.

1 (4) If recalled, an officer shall be recalled as of the time when the  
2 results of the special recall election are proclaimed, and a vacancy in the  
3 office shall exist.

4 (5) If an officer is recalled from his office the vacancy shall be  
5 filled in the manner provided by law for filling a vacancy in that office  
6 arising from any other cause.

7 SECTION 11. That Section 34-1713, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 34-1713. TIME WITHIN WHICH RECALL MAY BE FILED -- REMOVAL OF SIGNA-  
10 TURES. (1) No petition for a recall shall be circulated against any officer  
11 until he has actually held ~~his~~ office under the current term for at least  
12 ninety (90) days.

13 (2) After one (1) special recall election, no further recall petition  
14 shall be filed against the same officer during his current term of office,  
15 unless the petitioners first pay into the public treasury which has paid such  
16 special recall election expenses the whole amount of the expenses for the  
17 preceding recall election. The specific reason for recall in one (1) recall  
18 petition for which an election has been held cannot be the basis for a second  
19 recall petition during that current term of office.

20 (3) The signer of any recall petition may remove his own name from the  
21 petition by crossing out, obliterating, or otherwise defacing his own signa-  
22 ture at any time prior to the time when the petition is filed.

23 SECTION 12. That Section 50-501, Idaho Code, be, and the same is hereby  
24 amended to read as follows:

25 50-501. INITIATIVE AND REFERENDUM. The city council of each city shall  
26 provide by ordinance for direct legislation by the people through the ini-  
27 tiative and referendum. Minimum requirements of the ordinance adopted shall  
28 be as follows:

29 (1) ~~p~~Petitioners for initiative or referendum shall be equal to twenty  
30 percent (20%) of the total number of electors who cast votes at the last gen-  
31 eral election in the city;

32 (2) ~~p~~Petitions for referendum shall be filed not less than sixty (60)  
33 days following the final adoption of the ordinance to be subject to referen-  
34 dum;

35 (3) ~~a~~A special election for initiative or referendum shall be provided  
36 as prescribed in section 34-106, Idaho Code;

37 (4) ~~r~~Requirements for signature, verification of valid petitions,  
38 printing of petition, and time limits, except as expressly modified herein,  
39 shall be as nearly as practicable as provided in ~~sections 34-1701 through~~  
40 34-1705 chapter 18, title 34, Idaho Code. This section does not apply to bond  
41 elections.

42 SECTION 13. That Section 50-1044, Idaho Code, be, and the same is hereby  
43 amended to read as follows:

44 50-1044. AUTHORITY FOR RESORT CITY RESIDENTS TO APPROVE AND RESORT  
45 CITY GOVERNMENTS TO ADOPT, IMPLEMENT, AND COLLECT CERTAIN CITY NONPROP-

1 ERTY TAXES. The voters of any resort city with a population not in excess of  
2 ten thousand (10,000) according to the most recent census within the state  
3 of Idaho, organized under the general laws of the state, special charter,  
4 or a general incorporation act, are hereby given the freedom to authorize  
5 their city government to adopt, implement, and collect one (1) or more lo-  
6 cal-option nonproperty taxes as provided herein. A resort city is a city  
7 that derives the major portion of its economic well-being from businesses  
8 catering to recreational needs and meeting needs of people traveling to that  
9 destination city for an extended period of time. The corporate authorities  
10 of any such resort city are hereby given the freedom and authority to adopt,  
11 implement, and collect one (1) or more local-option nonproperty taxes as  
12 provided herein, if approved by the required majority of city voters voting  
13 in an election as provided herein. No local-option nonproperty tax proposal  
14 may be presented to resort city voters for approval or modification for a  
15 period of ~~one (1) year~~ eleven (11) months after an election to approve or dis-  
16 approve such tax. The election may be a special election conducted for the  
17 exclusive purpose of approving or disapproving such tax, or may be conducted  
18 as a part of any other special or general city election.

19 SECTION 14. An emergency existing therefor, which emergency is hereby  
20 declared to exist, this act shall be in full force and effect on and after its  
21 passage and approval.