

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 443

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 31-4306, IDAHO CODE, TO REVISE THE  
2 PERIOD OF TIME WITHIN WHICH A CERTAIN DECLARATION IS REQUIRED TO BE  
3 FILED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-313, IDAHO  
4 CODE, TO PROVIDE THAT THE STATE BOARD OF EDUCATION HAS CERTAIN NOTICE  
5 RESPONSIBILITIES, TO PROVIDE THAT SCHOOL DISTRICTS HAVE CERTAIN FILING  
6 RESPONSIBILITIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
7 34-1404, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN NOMI-  
8 NATING PETITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
9 34-1413, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PROCEDURES FOR  
10 CERTAIN POLITICAL SUBDIVISION ELECTIONS TO MODIFY VOTING PROCEDURES;  
11 AMENDING SECTION 50-410, IDAHO CODE, TO PROVIDE THAT A PERSON SHALL NOT  
12 BE PERMITTED TO FILE A DECLARATION OF CANDIDACY FOR MORE THAN ONE OFFICE  
13 IN ANY CITY ELECTION AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING  
14 SECTION 50-412, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CANVASSING  
15 VOTES AND DETERMINING RESULTS OF ELECTION.  
16

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

18 SECTION 1. That Section 31-4306, Idaho Code, be, and the same is hereby  
19 amended to read as follows:

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

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

38 (3) No write-in vote for recreation district director shall be counted  
39 unless a declaration of intent has been filed indicating that the person de-  
40 sires the office and is legally qualified to assume the duties of recreation  
41 district director if elected. The declaration of intent shall be filed with

1 the recreation district board secretary not later than ~~twentyfourty~~-five  
2 (245) days before the day of election.

3 SECTION 2. That Section 33-313, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 33-313. TRUSTEE ZONES. (1) Each elementary school district shall be  
6 divided into three (3) trustee zones and each other school district shall be  
7 divided into no fewer than five (5) nor more than nine (9) trustee zones ac-  
8 cording to the provisions of section 33-501, Idaho Code. A school district  
9 that has had a change in its district boundaries because of consolidation  
10 on and after January 1, 2008, shall divide trustee zones so that each former  
11 district in the new district shall not be split into different trustee zones,  
12 unless the provisions of subsection (2) of this section cannot be satisfied.

13 (2) Any proposal to define the boundaries of the several trustee zones  
14 in each such school district shall include the determination, where appro-  
15 priate, of the number of trustee zones in such district, and the date of ex-  
16 piration of the term of office for each trustee. The boundaries of the sev-  
17 eral trustee zones in each such school district shall be defined and drawn so  
18 that, as reasonably as may be, each such zone shall have approximately the  
19 same population.

20 (3) Whenever the area of any district has been enlarged by the annexa-  
21 tion of all or any part of another district, or by the correction of errors  
22 in the legal description of school district boundaries, any such additional  
23 territory shall be included in the trustee zone or zones contiguous to such  
24 additional territory until such time as the trustee zones may be redefined  
25 and changed. Trustee zones may be redefined and changed, ~~but~~ not more than  
26 once every five (5) years, ~~in~~ in the manner hereinafter provided.

27 (4) A proposal to redefine and change trustee zones of any district may  
28 be initiated by its board of trustees and shall be initiated by its board of  
29 trustees at the first meeting following the report of the decennial census,  
30 and submitted to the state board of education, or by petition signed by not  
31 less than fifty (50) school electors residing in the district, and presented  
32 to the board of trustees of the district. Within one hundred twenty (120)  
33 days following the decennial census or the receipt of a petition to redefine  
34 and change the trustee zones of a district the board of trustees shall pre-  
35 pare a proposal for a change which will equalize the population in each zone  
36 in the district and shall submit the proposal to the state board of educa-  
37 tion. Any proposal shall include a legal description of each trustee zone  
38 as the same would appear as proposed, a map of the district showing how each  
39 trustee zone would then appear, and the approximate population each would  
40 then have, should the proposal to change any trustee zones become effective.

41 (5) Within sixty (60) days after it has received the said proposal the  
42 state board of education may approve or disapprove the proposal to redefine  
43 and change trustee zones and shall give notice thereof in writing to the  
44 board of trustees of the district wherein the change is proposed. Should the  
45 state board of education disapprove a proposal, the board of trustees shall,  
46 within forty-five (45) days, submit a revised proposal to the state board  
47 of education. Should the state board of education approve the proposal,  
48 it shall notify the school district, the trustee zones shall be changed in  
49 accordance with the proposal and a copy of the legal description of each

1 trustee zone and map of the district showing how each trustee zone will ap-  
 2 pear shall be filed by the school district with the county clerk.

3 (6) At the next regular meeting of the board of trustees following  
 4 the approval of the proposal the board shall appoint from its membership a  
 5 trustee for each new zone to serve as trustee until that incumbent trustee's  
 6 term expires. If the current board membership includes two (2) incumbent  
 7 trustees from the same new trustee zone, the board will select the incumbent  
 8 trustee with the most seniority as a trustee to serve the remainder of his  
 9 term. If both incumbent trustees have equal seniority, the board will choose  
 10 one (1) of the trustees by the drawing of lots. If there is a trustee vacancy  
 11 in any of the new zones, the board of trustees shall appoint from the patrons  
 12 resident in that new trustee zone, a person from that zone to serve as trustee  
 13 until the next annual meeting. At the annual election a trustee shall be  
 14 elected to serve during the term specified in the election for the zone. The  
 15 elected trustee shall assume office at the annual meeting of the school dis-  
 16 trict next following the election.

17 SECTION 3. That Section 34-1404, Idaho Code, be, and the same is hereby  
 18 amended to read as follows:

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

46 SECTION 4. That Section 34-1413, Idaho Code, be, and the same is hereby  
 47 amended to read as follows:

1           34-1413. PROCEDURES FOR CERTAIN POLITICAL SUBDIVISION ELECTIONS TO  
2 MODIFY VOTING PROCEDURES. Any county that ~~has a political subdivision in~~  
3 ~~which there is more than one (1) county contained in the political subdivi-~~  
4 ~~sion boundaries and that~~ wishes to modify voting procedures for a political  
5 subdivision election shall submit an election plan to the secretary of state  
6 for approval for the modified voting procedures to be effective at least  
7 forty (40) calendar days prior to an election. The secretary of state shall  
8 notify the political subdivision of its approval, disapproval and, if it is  
9 disapproved, what remedial measures may be taken that would allow for ap-  
10 proval of the voting plan.

11           SECTION 5. That Section 50-410, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13           50-410. TIME AND MANNER OF FILING DECLARATIONS. (1) All declarations  
14 of candidacy for elective city offices shall be filed with the clerk of the  
15 respective city wherein the elections are to be held, not earlier than 8:00  
16 a.m. on the eleventh Monday nor later than 5:00 p.m. on the ninth Friday,  
17 immediately preceding election day. Before a candidate files a petition of  
18 candidacy with the city clerk, the petition signatures shall be verified by  
19 the county clerk in the manner described in section 34-1807, Idaho Code, ex-  
20 cept that the city clerk shall stand in place of the secretary of state. Be-  
21 fore any declaration of candidacy and filing fee or petition of candidacy  
22 mentioned in section 50-407, Idaho Code, can be filed, the city clerk shall  
23 ascertain that it conforms to the provisions of chapter 4, title 50, Idaho  
24 Code. The city clerk shall not accept any declarations of candidacy after  
25 5:00 p.m. on the ninth Friday immediately preceding election day. Write-in  
26 candidates shall be governed by section 34-702A, Idaho Code, but shall file  
27 the declarations required in that section with the city clerk.

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

30           SECTION 6. That Section 50-412, Idaho Code, be, and the same is hereby  
31 amended to read as follows:

32           50-412. CANVASSING VOTES -- DETERMINING RESULTS OF ELECTION. The  
33 county commissioners, within ten (10) days following any election, shall  
34 meet for the purpose of canvassing the results of the election. Upon  
35 ~~acceptance~~ receipt of tabulation of votes prepared by the election judges  
36 and clerks, and the canvass as herein provided, the results of both shall be  
37 entered in the minutes of city council proceedings ~~and proclaimed as final~~.  
38 Results of election shall be determined as follows: in the case of a single  
39 office to be filled, the candidate with the highest number of votes shall be  
40 declared elected; in the case where more than one (1) office is to be filled,  
41 that number of candidates receiving the highest number of votes, equal to the  
42 number of offices to be filled, shall be declared elected.