

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 216

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 34-106, IDAHO CODE, TO PROVIDE AN  
2 ADDITIONAL ELECTION DATE FOR CITY INITIATIVE AND REFERENDUM ELECTIONS  
3 AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 18, TITLE 34, IDAHO  
4 CODE, BY THE ADDITION OF A NEW SECTION 34-1801B, IDAHO CODE, TO PROVIDE  
5 INITIATIVE AND REFERENDUM PROCEDURES FOR CITIES; REPEALING SECTION  
6 50-501, IDAHO CODE, RELATING TO CITY ELECTIONS; AND AMENDING SECTION  
7 50-802, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.  
8

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

10 SECTION 1. 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 disaster,  
26 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.

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

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

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

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

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

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

11 (8) Initiative, referendum, bond, levy and any other ballot question  
 12 elections conducted by any political subdivision shall be held on the near-  
 13 est date authorized in subsection (1) of this section which falls more than  
 14 sixty (60) days after the clerk of the political subdivision orders that such  
 15 election shall be held in May and November of even-numbered years and fifty  
 16 (50) days for all other elections, unless otherwise provided by law. City  
 17 initiative and referendum elections shall be held in November of odd-num-  
 18 bered years as provided by section 34-1801B, Idaho Code. Ballot language  
 19 for any question to be placed on the ballot shall be submitted to the county  
 20 clerk at least sixty (60) days before the election held in May and November of  
 21 even-numbered years and at least fifty (50) days for all other elections.

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

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

31 SECTION 2. That Chapter 18, Title 34, Idaho Code, be, and the same is  
 32 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 33 ignated as Section 34-1801B, Idaho Code, and to read as follows:

34 34-1801B. INITIATIVE AND REFERENDUM PROCEDURES FOR CITIES. Each city  
 35 shall allow direct legislation by the people through the initiative and ref-  
 36 erendum. Cities shall follow the procedures set forth in this chapter sub-  
 37 ject to the following provisions:

38 (1) The city attorney shall perform the duties assigned to the attorney  
 39 general.

40 (2) The city clerk shall perform those duties assigned to the secretary  
 41 of state.

42 (3) City initiative and referendum elections shall be held on the Tues-  
 43 day following the first Monday in November in odd-numbered years.

44 (4) An action brought pursuant to section 34-1809, Idaho Code, chal-  
 45 lenging the ballot title or short title shall be brought in the district  
 46 court in the county in which the city is located.

47 (5) Pursuant to section 34-1809, Idaho Code, the city attorney shall  
 48 prepare recommendations concerning revision of the initiative or referen-

1 dum, issue a certificate of review to the city clerk, and shall prepare the  
2 ballot title and short title.

3 (6) To be eligible to sign a petition for city initiative or referen-  
4 dum a person shall be a qualified elector of the city at the time of signing  
5 thereon.

6 (7) To perfect a petition for city initiative or referendum the peti-  
7 tion shall have signatures from at least twenty percent (20%) of the total  
8 number of qualified electors voting in the last general city election in  
9 November of an odd-numbered year.

10 (8) The provisions of section 34-1805, Idaho Code, relating to the num-  
11 ber of required signatures and geographic distribution of signatures shall  
12 not apply to city initiative or referendum.

13 (9) Any person who circulates a petition for city initiative or refer-  
14 endum shall be a resident of the state of Idaho and at least eighteen (18)  
15 years of age, and pursuant to section 34-1807, Idaho Code, shall certify  
16 their belief that each signer of the petition is a qualified elector of the  
17 state of Idaho and the city.

18 (10) A copy of all petitions and signature sheets shall be kept by the  
19 city clerk as a public record.

20 (11) The prospective petition for referendum, as provided by section  
21 34-1804, Idaho Code, shall be filed not more than sixty (60) days following  
22 publication of the adopted ordinance as provided by section 50-901, Idaho  
23 Code.

24 (12) The deadline for submission of signatures to the city clerk is one  
25 hundred eighty (180) days after the petitioners for initiative or referendum  
26 receive the official ballot title from the city clerk, or April 30 of the year  
27 of the initiative or referendum election, whichever is earlier.

28 (13) Petitioners must submit the signed initiative or referendum peti-  
29 tions to the county clerk for verification not later than the close of busi-  
30 ness on the first day of May in the year of the initiative or referendum elec-  
31 tion, or one hundred eighty (180) days after the petitioners receive the of-  
32 ficial ballot title from the city clerk, whichever is earlier.

33 (14) The county clerk has sixty (60) calendar days to verify the signa-  
34 tures as provided in subsection (3) of section 34-1802, Idaho Code.

35 (15) The city council shall have the option to adopt the ordinance pro-  
36 posed by initiative within thirty (30) days after the notification pursuant  
37 to section 34-1807, Idaho Code, provided that the petition has the required  
38 number of signatures. The city council shall hold a public hearing on the  
39 proposed ordinance within the thirty (30) day period, preceded by legal no-  
40 tice published once in the official city newspaper at least seven (7) days  
41 preceding the hearing. If the ordinance is not adopted by the council by the  
42 end of the thirty (30) day period, the initiative shall be put on the ballot.

43 (16) As provided by sections 34-1812A through 34-1812C, Idaho Code, a  
44 voters' pamphlet shall be prepared by the city clerk. As an alternative to  
45 printing and mailing the voters' pamphlet, the city clerk may make the vot-  
46 ers' pamphlet available on the internet, in which case the notice of elec-  
47 tion published by the county clerk shall provide the internet address to al-  
48 low persons to access the voters' pamphlet.

49 (17) To be passed into law an initiative or referendum shall be approved  
50 by a majority of the votes cast on the measure.

1           (18) The mayor shall issue the proclamation provided by section  
2 34-1813, Idaho Code.

3           (19) The city clerk shall publish an ordinance adopted by initiative or  
4 referendum within thirty (30) days after the proclamation by the mayor pro-  
5 vided in subsection (18) of this section.

6           (20) All city ordinances setting forth procedures for initiative or  
7 referendum are void on July 1, 2015.

8           (21) This section does not apply to bond elections.

9           SECTION 3. That Section 50-501, Idaho Code, be, and the same is hereby  
10 repealed.

11           SECTION 4. That Section 50-802, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13           50-802. INSTITUTING ELECTION, PETITION -- RESOLUTION. Procedure for  
14 instituting a special election on adoption of the council-manager plans  
15 shall be by petition of electors as provided for initiative in section ~~50-501~~  
16 34-1801B, Idaho Code, or by resolution passed by one-half (1/2) plus one (1)  
17 of the members of the full council.