

IN THE SENATE

SENATE BILL NO. 1049

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO PRIMARY ELECTIONS; AMENDING SECTION 34-102, IDAHO CODE, TO
2 REVISE LANGUAGE RELATING TO PRIMARY ELECTIONS AND TO DEFINE A TERM;
3 AMENDING SECTION 34-106, IDAHO CODE, TO PROVIDE THAT PRESIDENTIAL PRI-
4 MARIES SHALL BE HELD ON THE SECOND TUESDAY IN MARCH IN PRESIDENTIAL
5 ELECTION YEARS, TO PROVIDE THAT PRESIDENTIAL PRIMARIES SHALL BE HELD
6 SEPARATELY FROM OTHER PRIMARIES AND TO MAKE A TECHNICAL CORRECTION;
7 AMENDING SECTION 34-204, IDAHO CODE, TO PROVIDE A CODE REFERENCE;
8 AMENDING SECTION 34-601, IDAHO CODE, TO PROVIDE THAT PRESIDENTIAL PRI-
9 MARIES SHALL BE HELD ON THE SECOND TUESDAY IN MARCH IN PRESIDENTIAL
10 ELECTION YEARS; AMENDING SECTION 34-713, IDAHO CODE, TO REVISE LANGUAGE
11 RELATING TO PRIMARY BALLOTS; AMENDING CHAPTER 7, TITLE 34, IDAHO CODE,
12 BY THE ADDITION OF NEW SECTIONS 34-731 THROUGH 34-738, IDAHO CODE, TO
13 PROVIDE THAT A PRESIDENTIAL PRIMARY SHALL BE HELD ON THE SECOND TUESDAY
14 IN MARCH IN PRESIDENTIAL ELECTION YEARS, TO PROVIDE THAT THE NAME OF A
15 CANDIDATE SHALL APPEAR ON A PRESIDENTIAL PRIMARY BALLOT ONLY IF THE CAN-
16 DIDATE FILES A DECLARATION OF CANDIDACY AND PAYS A FEE, TO PROVIDE THAT
17 CANDIDATES MAY BE REMOVED FROM THE PRESIDENTIAL PRIMARY BALLOT IN CASES
18 OF DEATH, INCAPACITY OR WITHDRAWAL, TO PROVIDE THAT ELECTORS AT A PRES-
19 IDENTIAL PRIMARY MAY VOTE FROM AMONG THE CANDIDATES OF ONE PARTY ONLY,
20 TO PROVIDE THAT THE SECRETARY OF STATE SHALL CERTIFY PRIMARY RESULTS
21 TO STATE PARTY CHAIRS AND TO PROVIDE THAT THE PRIMARY WINNER SHALL BE
22 DECLARED ACCORDING TO PARTY RULES, TO PROVIDE THAT DELEGATES AND ALTER-
23 NATES TO THE NATIONAL CONVENTION SHALL BE SELECTED ACCORDING TO PARTY
24 RULES, TO PROVIDE THAT PRESIDENTIAL PRIMARIES SHALL BE CONDUCTED LIKE
25 OTHER PRIMARIES WHERE PRACTICABLE AND TO PROVIDE THAT THE STATE SHALL
26 BEAR THE COSTS OF THE PRESIDENTIAL PRIMARY; AMENDING SECTION 34-740,
27 IDAHO CODE, TO REVISE LANGUAGE RELATING TO RULES; AND AMENDING SECTION
28 34-1205, IDAHO CODE, TO REVISE LANGUAGE RELATING TO THE COUNTY BOARD OF
29 CANVASSERS.
30

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

32 SECTION 1. That Section 34-102, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 34-102. "PRIMARY ELECTION" DEFINED -- PURPOSES. (1) "Primary elec-
35 tion" means an election held for the purpose of nominating persons as can-
36 didates of political parties for election to offices, and for the purpose
37 of electing persons as members of the controlling committees of political
38 parties. Primary elections, with the exception of presidential primaries,
39 shall be held on the third Tuesday of May in each even-numbered year.

40 (2) "Presidential primary" means an election held for the purpose of
41 allowing voters to express their choice of candidate for nomination by a po-
42 litical party for president of the United States. A presidential primary

1 shall be held on the second Tuesday in March in each presidential election
2 year.

3 SECTION 2. That Section 34-106, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 34-106. LIMITATION UPON ELECTIONS. On and after January 1, 2011,
6 notwithstanding any other provisions of the law to the contrary, there shall
7 be no more than two (2) elections conducted in any county in any calendar
8 year, except as provided in this section, and except that elections to fill
9 vacancies in the United States house of representatives shall be held as
10 provided in the governor's proclamation.

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

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

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

14 (c) In addition to the elections specified in paragraphs (a) and (b)
15 of this subsection ~~(1)~~ and subsection (7) of this section, an emergency
16 election may be called upon motion of the governing board of a political
17 subdivision. An emergency exists when there is a great public calamity,
18 such as an extraordinary fire, flood, storm, epidemic, or other disaster,
19 or if it is necessary to do emergency work to prepare for a national
20 or local defense, or it is necessary to do emergency work to safeguard
21 life, health or property.

22 (d) In addition to the elections specified elsewhere in this section,
23 a presidential primary shall be held on the second Tuesday in March in
24 each presidential election year. Presidential primaries shall be held
25 separately from other primary elections, which shall be held on the
26 third Tuesday in May even in presidential election years.

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

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

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

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

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

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

1 (8) Initiative, referendum, bond, levy and any other ballot question
 2 elections conducted by any political subdivision shall be held on the near-
 3 est date authorized in subsection (1) of this section which falls more than
 4 sixty (60) days after the clerk of the political subdivision orders that such
 5 election shall be held in May and November of even-numbered years and fifty
 6 (50) days for all other elections, unless otherwise provided by law. Bal-
 7 lot language for any question to be placed on the ballot shall be submitted to
 8 the county clerk at least sixty (60) days before the election held in May and
 9 November of even-numbered years and at least fifty (50) days for all other
 10 elections.

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

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

20 SECTION 3. That Section 34-204, Idaho Code, be, and the same is hereby
 21 amended to read as follows:

22 34-204. CONFERENCES WITH COUNTY CLERKS ON ADMINISTRATION OF ELECTION
 23 LAWS. In carrying out his responsibility under section ~~17~~ 34-201, Idaho
 24 Code, the secretary of state shall cause to be organized and conducted at
 25 convenient places and times in this state at least three (3) conferences on
 26 the administration of the election laws. The secretary of state shall cause
 27 written notice of the place and time of each conference to be given to each
 28 county clerk. Each county clerk or his designated deputy shall attend at
 29 least one (1) of the conferences and shall comply with the instructions given
 30 under the authority of the secretary of state at each conference such county
 31 clerk attends.

32 SECTION 4. That Section 34-601, Idaho Code, be, and the same is hereby
 33 amended to read as follows:

34 34-601. DATES ON WHICH ELECTIONS SHALL BE HELD. Elections shall be
 35 held in this state on the following dates or times:

36 (1) A primary election shall be held on the third Tuesday in May, 2012,
 37 and every two (2) years thereafter on the above-mentioned Tuesday.

38 (2) A general election shall be held on the first Tuesday after the
 39 first Monday of November, 2012, and every two (2) years thereafter on the
 40 above-mentioned Tuesday.

41 (3) Special state elections shall be held on the dates ordered by the
 42 governor's proclamation, or as otherwise provided by law.

43 (4) A presidential primary shall be held on the second Tuesday in March
 44 in each presidential election year.

45 SECTION 5. That Section 34-713, Idaho Code, be, and the same is hereby
 46 amended to read as follows:

1 34-713. PREPARATION OF PRIMARY BALLOTS. Upon receipt of the sample
2 ballot and instructions from the secretary of state, each county clerk shall
3 print and prepare the official primary ballots for the forthcoming election.
4 The printing of the ballots shall be a county expense and paid out of the
5 county treasury except presidential primary ballots, which shall be paid for
6 as provided in section 34-738, Idaho Code.

7 Each county clerk shall cause to be published on the earliest date pos-
8 sible ~~in May~~ the names of all the political party candidates who shall appear
9 on the primary or presidential primary ballot. The names shall be listed al-
10 phabetically under each particular office title.

11 SECTION 6. That Chapter 7, Title 34, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of NEW SECTIONS, to be known and des-
13 ignated as Sections 34-731 through 34-738, Idaho Code, and to read as fol-
14 lows:

15 34-731. PRESIDENTIAL PRIMARY. In years in which a president of the
16 United States is to be nominated and elected, a presidential primary shall be
17 held at which voters may express their choice of candidate for nomination by
18 a political party for president. The presidential primary shall be held on
19 the second Tuesday in March in each presidential election year.

20 34-732. CANDIDATES. The name of any candidate for a political party
21 nomination for president of the United States shall be printed on the ballots
22 only if the candidate files with the secretary of state a declaration of can-
23 didacy accompanied by a one thousand dollar (\$1,000) filing fee not less than
24 ninety (90) days prior to the presidential primary.

25 34-733. REMOVAL FROM BALLOT. In the event the secretary of state is
26 informed of a candidate's death, incapacity or withdrawal from candidacy,
27 the secretary of state may remove the name of such candidate from the bal-
28 lot, provided however, that no candidate's name shall be removed within the
29 thirty (30) days preceding the presidential primary.

30 34-734. VOTING. At a presidential primary, qualified electors may
31 vote for one (1) candidate from among the candidates of one (1) political
32 party only.

33 34-735. PRESIDENTIAL PRIMARY -- RESULTS. Upon completion of the state
34 canvass for the presidential primary, the secretary of state shall certify
35 to the state chair of each political party participating in the presidential
36 primary the number of votes received by each candidate of that party. A win-
37 ner shall be declared as prescribed by rule of the state and national party.

38 34-736. DELEGATES TO THE NATIONAL CONVENTION. Upon receiving the re-
39 sults of the presidential primary pursuant to section 34-735, Idaho Code,
40 each party participating in the presidential primary shall select, accord-
41 ing to national and state party rules, as many delegates and alternates to
42 the national party convention as are allotted to it by the national committee
43 of that party.

1 34-737. CONDUCT OF ELECTION. Insofar as practicable, and where the
2 provisions of this chapter do not specifically indicate otherwise, the presi-
3 dential primary shall be conducted and canvassed in the manner provided by
4 law for the conduct and canvassing of state primary elections.

5 34-738. COSTS OF PRESIDENTIAL PRIMARY. Whenever a presidential pri-
6 mary is held as provided by this chapter, the state of Idaho shall assume all
7 costs of publication of legal notice and ballot preparation for the presi-
8 dential primary. The county clerk shall determine the legal notice and bal-
9 lot preparation costs and shall file a certified claim, which shall be exam-
10 ined, allowed and paid as other claims against the state are paid.

11 SECTION 7. That Section 34-740, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 34-740. RULES ~~AND REGULATIONS~~. The secretary of state as chief elec-
14 tion officer may adopt such rules ~~and regulations~~ as are necessary to facili-
15 tate the operation, accomplishment and purpose of this ~~act~~ chapter.

16 SECTION 8. That Section 34-1205, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 34-1205. COUNTY BOARD OF CANVASSERS -- MEETINGS. The county board of
19 commissioners shall be the county board of canvassers and the county clerk
20 shall serve as their secretary for this purpose. The county board of can-
21 vassers shall meet within seven (7) days after ~~the~~ a primary or presidential
22 primary election and within ten (10) days after ~~the~~ a general election for
23 the purpose of canvassing the election returns of all precincts within the
24 county.