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LEGISLATURE OF THE STATE OF IDAHO  
Sixty-fifth Legislature First Regular Session - 2019  
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1 AN ACT  
2 RELATING TO CAMPAIGN FINANCE; AMENDING SECTION 67-6601, IDAHO CODE, TO RE-  
3 VISE THE PURPOSE OF THE ACT; AMENDING SECTION 67-6602, IDAHO CODE, TO  
4 REVISE AND PROVIDE DEFINITIONS; AMENDING SECTION 67-6607, IDAHO CODE,  
5 TO REVISE PROVISIONS REGARDING REPORTS OF CONTRIBUTIONS AND EXPENDI-  
6 TURES AND TO PROVIDE CONDITIONS UNDER WHICH A CANDIDATE FOR A LOCAL GOV-  
7 ERNMENT OFFICE SHALL REPORT CONTRIBUTIONS AND EXPENDITURES; AMENDING  
8 SECTION 67-6610A, IDAHO CODE, TO REVISE PROVISIONS REGARDING CONTRI-  
9 BUTION LIMITS AND TO PROVIDE FOR APPLICABILITY TO SPECIAL ELECTIONS;  
10 REPEALING SECTION 1-2220A, IDAHO CODE, RELATING TO CAMPAIGN FINANCE RE-  
11 PORTING FOR MAGISTRATE RETENTION ELECTIONS; REPEALING SECTION 31-2012,  
12 IDAHO CODE, RELATING TO CAMPAIGN FINANCE REPORTING FOR CERTAIN COUNTY  
13 ELECTIONS; AMENDING SECTION 33-503, IDAHO CODE, TO REMOVE A PROVI-  
14 SION REGARDING CAMPAIGN FINANCE REPORTING FOR CERTAIN SCHOOL TRUSTEE  
15 ELECTIONS; AMENDING SECTION 33-2106, IDAHO CODE, TO REMOVE LANGUAGE  
16 REGARDING CAMPAIGN FINANCE REPORTING FOR COMMUNITY COLLEGE TRUSTEE  
17 ELECTIONS; REPEALING SECTION 40-1417, IDAHO CODE, RELATING TO CAMPAIGN  
18 FINANCE REPORTING FOR COUNTY-WIDE HIGHWAY DISTRICT ELECTIONS; REPEAL-  
19 ING SECTION 50-420, IDAHO CODE, RELATING TO CAMPAIGN FINANCE REPORTING  
20 FOR CERTAIN CITY ELECTIONS; AND REPEALING SECTION 67-4931, IDAHO CODE,  
21 RELATING TO CAMPAIGN FINANCE REPORTING FOR AUDITORIUM DISTRICT ELEC-  
22 TIONS.

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

24 SECTION 1. That Section 67-6601, Idaho Code, be, and the same is hereby  
25 amended to read as follows:

26 67-6601. PURPOSE OF ACT. The purpose of this act is:  
27 (a~~1~~) To promote public confidence in government; and  
28 (b~~2~~) To promote openness in government and avoiding secrecy by those  
29 giving financial support to ~~state~~ election campaigns and those promoting or  
30 opposing legislation or attempting to influence executive or administrative  
31 actions for compensation ~~at the state level~~.

32 SECTION 2. That Section 67-6602, Idaho Code, be, and the same is hereby  
33 amended to read as follows:

34 67-6602. DEFINITIONS. As used in this chapter, the following terms  
35 have the following meanings:  
36 (a~~1~~) "Candidate" means an individual who ~~has taken affirmative action~~  
37 ~~to seek nomination or election to public office. An individual shall be~~  
38 ~~deemed to have taken affirmative action to seek such nomination or election~~  
39 ~~to public office when he first:~~

1       ~~(1) Receives contributions or makes expenditures or reserves space or~~  
2       ~~facilities with intent to promote his candidacy for office; or~~  
3       ~~(2) Announces publicly or files for office~~  
4       seeks nomination, election or reelection to public office and who has taken  
5       any of the following actions:  
6       (a) Announced his or her candidacy publicly;  
7       (b) Filed for public office;  
8       (c) Received a contribution for the purpose of promoting his or her can-  
9       didacy for office; or  
10       (d) Made an expenditure, contracted for services or reserved space with  
11       the intent of promoting his or her candidacy for office.  
12       ~~(3) For purposes of this chapter, an incumbent shall be presumed to be~~  
13       ~~a candidate in the subsequent election for his or her office. Contri-~~  
14       ~~butions received by an incumbent candidate shall not be in excess of the~~  
15       ~~prescribed contribution limits for the subsequent election by which the~~  
16       ~~incumbent candidate's name would first appear on the ballot. An incum-~~  
17       ~~bent shall no longer be a candidate for his or her office after the dead-~~  
18       ~~line for the filing of a declaration of candidacy to first appear on the~~  
19       ~~ballot for that office has expired, until he or she has failed to file a~~  
20       ~~declaration of candidacy by the statutory deadline.~~  
21       ~~(b2)~~ "Compensation" includes any advance, conveyance, forgiveness of  
22       indebtedness, deposit, distribution, loan, payment, gift, pledge or trans-  
23       fer of money or anything of value, and any contract, agreement, promise or  
24       other obligation, whether or not legally enforceable, to do any of the fore-  
25       going, for services rendered or to be rendered, but does not include reim-  
26       bursement of expenses if such reimbursement does not exceed the amount ac-  
27       tually expended for such expenses and is substantiated by an itemization of  
28       such expenses.  
29       ~~(e3)~~ "Contribution" includes any advance, conveyance, forgiveness of  
30       indebtedness, deposit, distribution, loan, payment, gift, pledge, sub-  
31       scription or transfer of money or anything of value, and any contract, agree-  
32       ment, promise or other obligation, whether or not legally enforceable, to  
33       make a contribution, in support of or in opposition to any candidate, polit-  
34       ical committee or measure. Such term also includes personal funds or other  
35       property of a candidate or members of his household expended or transferred  
36       to cover expenditures incurred in support of such candidate but does not  
37       include personal funds used to pay the candidate filing fee. Such term also  
38       includes the rendering of personal and professional services for less than  
39       full consideration, but does not include ordinary home hospitality or the  
40       rendering of "part-time" personal services of the sort commonly performed  
41       by volunteer campaign workers or advisors or incidental expenses not in ex-  
42       cess of twenty-five dollars (\$25.00) personally paid for by any volunteer  
43       campaign worker. "Part-time" services, for the purposes of this definition,  
44       means services in addition to regular full-time employment, or, in the case  
45       of an unemployed person or persons engaged in part-time employment, services  
46       rendered without compensation or reimbursement of expenses from any source  
47       other than the candidate or political committee for whom such services are  
48       rendered. For the purposes of this act, contributions, other than money or  
49       its equivalent shall be deemed to have a money value equivalent to the fair  
50       market value of the contribution.

- 1           (d4) "Election" means any state or local general, special, recall or  
2 primary election.
- 3           (e5) "Election campaign" means any campaign in support of or in opposi-  
4 tion to a candidate for election to public office and any campaign in support  
5 of, or in opposition to, a measure.
- 6           (f6) (1a) "Electioneering communication" means any communication  
7 broadcast by television or radio, printed in a newspaper or on a bill-  
8 board, directly mailed or delivered by hand to personal residences, or  
9 telephone calls made to personal residences, or otherwise distributed  
10 that:
- 11           (i) Unambiguously refers to any candidate; and  
12           (ii) Is broadcasted, printed, mailed, delivered, made or dis-  
13 tributed within thirty (30) days before a primary election or  
14 sixty (60) days before a general election; and  
15           (iii) Is broadcasted to, printed in a newspaper, distributed to,  
16 mailed to or delivered by hand to, telephone calls made to, or  
17 otherwise distributed to an audience that includes members of the  
18 electorate for such public office.
- 19           (2b) "Electioneering communication" does not include:
- 20           (i) Any news articles, editorial endorsements, opinion or com-  
21 mentary, writings, or letter to the editor printed in a newspaper,  
22 magazine, or other periodical not owned or controlled by a candi-  
23 date or political party;
- 24           (ii) Any editorial endorsements or opinions aired by a broad-  
25 cast facility not owned or controlled by a candidate or political  
26 party;
- 27           (iii) Any communication by persons made in the regular course and  
28 scope of their business or any communication made by a membership  
29 organization solely to members of such organization and their fam-  
30 ilies;
- 31           (iv) Any communication which refers to any candidate only as part  
32 of the popular name of a bill or statute;
- 33           (v) A communication which constitutes an expenditure or an inde-  
34 pendent expenditure under this chapter.
- 35           (g7) "Executive official" means:
- 36           (1a) The governor, lieutenant governor, secretary of state, state con-  
37 troller, state treasurer, attorney general, superintendent of public  
38 instruction and any deputy or staff member of one (1) of those individ-  
39 uals who, within the course and scope of his or her employment, is di-  
40 rectly involved in major policy influencing decisions for the office;
- 41           (2b) A state department or agency director, deputy director, division  
42 administrator or bureau chief as established and enumerated in sections  
43 67-2402 and 67-2406, Idaho Code;
- 44           (3c) The membership and the executive or chief administrative officer  
45 of any board or commission that is authorized to make rules or conduct  
46 rulemaking activities pursuant to section 67-5201, Idaho Code;
- 47           (4d) The membership and the executive or chief administrative officer  
48 of any board or commission that governs any of the state departments  
49 enumerated in section 67-2402, Idaho Code, not including public school  
50 districts;

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1           (~~5~~e) The membership and the executive or chief administrative officer  
2 of the Idaho public utilities commission, the Idaho industrial commis-  
3 sion, and the Idaho state tax commission; and

4           (~~6~~f) The members of the governing board of the state insurance fund, and  
5 the members of the governing board and the executive or chief adminis-  
6 trative officer of the Idaho housing and finance association, the Idaho  
7 energy resources authority, and the Idaho state building authority.

8           (~~h~~8) "Expenditure" includes any payment, contribution, subscription,  
9 distribution, loan, advance, deposit, or gift of money or anything of value,  
10 and includes a contract, promise, or agreement, whether or not legally en-  
11 forceable, to make an expenditure. The term "expenditure" also includes a  
12 promise to pay, a payment or a transfer of anything of value in exchange for  
13 goods, services, property, facilities or anything of value for the purpose  
14 of assisting, benefiting or honoring any public official or candidate, or  
15 assisting in furthering or opposing any election campaign.

16           (~~i~~9) "Independent expenditure" means any expenditure by a person for  
17 a communication expressly advocating the election, passage or defeat of a  
18 clearly identified candidate or measure that is not made with the coopera-  
19 tion or with the prior consent of, or in consultation with, or at the consent  
20 of, or in consultation with, or at the request of a suggestion of, a candidate  
21 or any agent or authorized committee of the candidate or political committee  
22 supporting or opposing a measure. As used in this subsection, "expressly ad-  
23 vocating" means any communication containing a message advocating election,  
24 passage or defeat including, but not limited to, the name of the candidate  
25 or measure, or expression such as "vote for," "elect," "support," "cast your  
26 ballot for," "vote against," "defeat" or "reject."

27           (~~j~~10) "Lobby" and "lobbying" each means attempting through contacts  
28 with, or causing others to make contact with, members of the legislature or  
29 legislative committees or an executive official, to influence the approval,  
30 modification or rejection of any legislation by the legislature of the state  
31 of Idaho or any committee thereof or by the governor or to develop or main-  
32 tain relationships with, promote goodwill with, or entertain members of the  
33 legislature or executive officials. "Lobby" and "lobbying" shall also mean  
34 communicating with an executive official for the purpose of influencing the  
35 consideration, amendment, adoption or rejection of any rule or rulemaking as  
36 defined in section 67-5201, Idaho Code, or any ratemaking decision, procure-  
37 ment, contract, bid or bid process, financial services agreement, or bond  
38 issue. Neither "lobby" nor "lobbying" includes an association's or other  
39 organization's act of communicating with the members of that association  
40 or organization; and provided that neither "lobby" nor "lobbying" includes  
41 communicating with an executive official for the purpose of carrying out  
42 ongoing negotiations following the award of a bid or a contract, communica-  
43 tions involving ongoing legal work and negotiations conducted by and with  
44 attorneys for executive agencies, interactions between parties in litiga-  
45 tion or other contested matters, or communications among and between members  
46 of the legislature and executive officials and their employees, or by state  
47 employees while acting in their official capacity or within the course and  
48 scope of their employment.

49           (~~k~~11) "Lobbyist" includes any person who lobbies.

1           (12) "Lobbyist's employer" means the person or persons by whom a lob-  
2 byist is employed, directly or indirectly, and all persons by whom he is com-  
3 pensated for acting as a lobbyist.

4           (13) "Local government office" means any publicly elected office for  
5 any political subdivision of the state or special district that is not a leg-  
6 islative, statewide or federal office.

7           (14) "Measure" means any proposal, ~~to be voted statewide,~~ submitted to  
8 the people for their approval or rejection at an election, including any ini-  
9 tiative, referendum, recall election ~~for statewide or legislative district~~  
10 ~~offices,~~ or revision of or amendment to the state constitution. An ini-  
11 tiative or referendum proposal shall be deemed a measure when the attorney  
12 general, county prosecutor or city attorney, as appropriate, reviews it and  
13 gives it a ballot title. A recall shall be deemed a measure upon approval of  
14 the recall petition as to form pursuant to section 34-1704, Idaho Code.

15           (15) "Nonbusiness entity" means any group of two (2) or more individu-  
16 als, corporation, association, firm, partnership, committee, club or other  
17 organization which:

18           (1a) Does not have as its principal purpose the conduct of business ac-  
19 tivities for profit; and

20           (2b) Received during the preceding or current calendar year contribu-  
21 tions, gifts or membership fees, which in the aggregate exceeded ten  
22 percent (10%) of its total receipts for such year.

23           (16) "Person" means an individual, corporation, association, firm,  
24 partnership, committee, political party, club or other organization or  
25 group of persons.

26           (17) "Political committee" means:

27           (1a) Any person specifically designated to support or oppose any candi-  
28 date or measure; or

29           (2b) Any person who receives contributions and makes expenditures in  
30 an amount exceeding five hundred dollars (\$500) in any calendar year  
31 for the purpose of supporting or opposing one (1) or more candidates or  
32 measures. Any entity registered with the federal election commission  
33 shall not be considered a political committee for purposes of this chap-  
34 ter.

35           (3c) A county, district or regional committee of a recognized politi-  
36 cal party shall not be considered a political committee for the purposes  
37 of this chapter unless such party committee has expenditures exceeding  
38 five thousand dollars (\$5,000) in a calendar year.

39           (18) "Political treasurer" means an individual appointed by a candi-  
40 date or political committee as provided in section 67-6603, Idaho Code.

41           (19) "Public office" means any local, legislative, judicial or state  
42 office or position, ~~state senator, state representative, and judge of the~~  
43 ~~district court~~ that is filled by election but does not include the office of  
44 precinct committeeman.

45           SECTION 3. That Section 67-6607, Idaho Code, be, and the same is hereby  
46 amended to read as follows:

1           67-6607. REPORTS OF CONTRIBUTIONS AND EXPENDITURES. (~~a~~1) The politi-  
2 cal treasurer for each candidate and the political treasurer of each politi-  
3 cal committee shall file with the secretary of state:

4           (~~1~~a) Not more than fourteen (14) days and not less than seven (7) days  
5 before the date of a primary election in which the candidate or polit-  
6 ical committee is involved, a statement of all contributions received  
7 and all expenditures or encumbrances made by or on behalf of the candi-  
8 date or political committee prior to the fifteenth day before the pri-  
9 mary election;

10           (~~2~~b) Not more than thirty (30) days after the date of a primary election  
11 in which a candidate or a political committee is involved, a statement  
12 of all contributions received and all expenditures or encumbrances made  
13 by or on behalf of the candidate or political committee to cover the pe-  
14 riod since the fifteenth day before the primary election to and includ-  
15 ing the tenth day after the primary election;

16           (~~3~~c) For all political committees supporting or opposing measures, a  
17 statement of all contributions received and all expenditures or encum-  
18 brances made by or on behalf of the measure or any candidate or made by  
19 or against the measure or any candidate shall be filed on the same dates  
20 provided in paragraphs (1), (2), (4), (5) and (6) of this subsection;

21           (~~4~~d) Not later than October 10 immediately preceding a general election  
22 in which the candidate or political committee is involved, a statement  
23 of all contributions received and all expenditures or encumbrances made  
24 by or on behalf of the candidate or political committee since and in-  
25 cluding the eleventh day after the date of the primary election and to  
26 and including September 30;

27           (~~5~~e) Not more than fourteen (14) days and not less than seven (7) days  
28 before the date of a general election in which the candidate or polit-  
29 ical committee is involved, a statement of all contributions received  
30 and all expenditures or encumbrances made by or on behalf of the candi-  
31 date or political committee since and including October 1 and to and  
32 including the sixteenth day before the general election, together with  
33 a cumulative statement showing all such contributions and expenditures  
34 or encumbrances to and including the sixteenth day before the general  
35 election; and

36           (~~6~~f) Not more than thirty (30) days after the date of a general election  
37 in which the candidate or political committee is involved, a statement  
38 of all contributions received and all expenditures or encumbrances made  
39 by or on behalf of the candidate or political committee to cover the pe-  
40 riod since the fifteenth day before the general election to and includ-  
41 ing the tenth day after the general election.

42           (~~b~~2) For the first report under this section, the reporting period  
43 shall cover the period beginning with the first contribution, expenditure,  
44 or encumbrance.

45           (~~e~~3) Notwithstanding any other reports required under this section,  
46 the political treasurer for each candidate and any political committee  
47 shall notify the secretary of state, ~~in writing,~~ of any contribution of  
48 one thousand dollars (\$1,000) or more, received by the political treasurer  
49 after the sixteenth day before, but more than forty-eight (48) hours be-  
50 fore, any primary or general election. This notification shall be made

1 within forty-eight (48) hours after the receipt of such contribution and  
2 shall include the name of the candidate, political committee or measure,  
3 the identification of the contributor, and the date of receipt and amount of  
4 the contribution. The notification shall be in addition to the reporting of  
5 these contributions in the postelection report.

6 (d4) For all reports required pursuant to this section, the secretary  
7 of state shall accept the date of a postmark as the date of receipt except for  
8 the seven (7) day preelection reports which must be received by no later than  
9 5:00 p.m. on the seventh day preceding the primary or general election.

10 (e5) ~~Any reports required to be filed under the provisions of this sec-~~  
11 ~~tion may also be filed by means of an electronic facsimile transmission ma-~~  
12 ~~chine and may be filed by other electronic means as approved by the secretary~~  
13 ~~of state~~ The political treasurer for a candidate or political committee at  
14 the local level is exempt from filing reports under this section unless and  
15 until such time as the candidate or political committee receives contribu-  
16 tions or expends funds in the amount of five hundred dollars (\$500) or more.  
17 Within seven (7) calendar days of the five hundred dollar (\$500) threshold  
18 being met, the political treasurer for the candidate or political committee  
19 shall file a cumulative report covering the period from the first contribu-  
20 tion or expenditure to the current time and shall file all subsequent reports  
21 according to this section, regardless of amounts received or expended.

22 SECTION 4. That Section 67-6610A, Idaho Code, be, and the same is hereby  
23 amended to read as follows:

24 67-6610A. LIMITATIONS ON CONTRIBUTIONS. (1) Except as provided in  
25 subsection (2) of this section, aggregate contributions for a primary elec-  
26 tion or a general election made by a corporation, political committee, other  
27 recognized legal entity or an individual, other than the candidate, ~~to a~~  
28 ~~candidate for the state legislature, and political committees organized on~~  
29 ~~the candidate's behalf shall be subject to the following limitations:~~

30 (a) Aggregate contributions by a corporation, political committee,  
31 other recognized legal entity or individual, other than the candidate,  
32 to a candidate or candidate committee for the state legislature, judi-  
33 cial office or local government office shall be limited to an amount not  
34 to exceed one thousand dollars (\$1,000) for the primary election and  
35 an amount not to exceed one thousand dollars (\$1,000) for the general  
36 election.

37 (b) Aggregate contributions for a primary election or a general elec-  
38 tion by a corporation, political committee, other recognized legal  
39 entity or an individual, other than the candidate, to a candidate for  
40 statewide office and political committees organized on the candidate's  
41 behalf shall be limited to an amount not to exceed five thousand dollars  
42 (\$5,000) for the primary election and an amount not to exceed five thou-  
43 sand dollars (\$5,000) for the general election.

44 (2) Aggregate contributions for a primary election or for a general  
45 election made by a county central committee or by the state central committee  
46 of the political parties qualified under section 34-501, Idaho Code, to a  
47 candidate for the state legislature, and political committees organized  
48 on the candidate's behalf shall be limited to an amount not to exceed two

1 thousand dollars (\$2,000) for the primary election and an amount not to  
2 exceed two thousand dollars (\$2,000) for the general election. Aggregate  
3 contributions for the primary election or the general election by the state  
4 central committee of the political parties qualified under section 34-501,  
5 Idaho Code, to a candidate for statewide office and political committees or-  
6 ganized on the candidate's behalf shall be limited to an amount not to exceed  
7 ten thousand dollars (\$10,000) for the primary election and an amount not to  
8 exceed ten thousand dollars (\$10,000) for the general election.

9 (3) For purposes of this section "statewide office" shall mean an of-  
10 fice in state government which shall appear on the primary or general elec-  
11 tion ballot throughout the state.

12 (4) Recall and special elections, for purposes of this section, shall  
13 be treated the same as general elections for contribution limits.

14 (5) Contributions other than money or its equivalent are deemed to have  
15 a monetary value equivalent to the fair market value of the contribution.  
16 Services or property or rights furnished at less than their fair market value  
17 for the purpose of assisting any candidate or political committee are deemed  
18 a contribution. A contribution of this kind shall be reported as an in-kind  
19 contribution at its fair market value and counts toward any applicable con-  
20 tribution limit of the contributor. Contributions shall not include the  
21 personal services of volunteers.

22 (6) ~~The contribution limits for the state legislature shall apply to~~  
23 ~~judicial district offices, city offices and county offices regulated by this~~  
24 ~~chapter.~~

25 ~~(7)~~ For the purposes of contribution limits, the following apply:

26 (a) A contribution by a political committee with funds that have all  
27 been contributed by one (1) person who exercises exclusive control over  
28 the distribution of the funds of the political committee is a contribu-  
29 tion by the controlling person.

30 (b) All contributions made by a person or political committee whose  
31 contribution or expenditure activity is financed, maintained or con-  
32 trolled by a trade association, labor union or collective bargaining  
33 organization shall be considered a contribution from such trade associ-  
34 ation, labor union or collective bargaining organization.

35 (c) Two (2) or more entities are treated as a single entity if the enti-  
36 ties:

- 37 (i) Share the majority of members on their board of directors;
- 38 (ii) Share two (2) or more officers;
- 39 (iii) Are owned or controlled by the same majority shareholder or
- 40 shareholders or persons;
- 41 (iv) Are in a parent-subsidiary relationship; or
- 42 (v) Have bylaws so stating.

43 (~~8~~7) The provisions of this section are hereby declared to be severable  
44 and if any provision of this section or the application of such provision to  
45 any person or circumstance is declared invalid for any reason, such declara-  
46 tion shall not affect the validity of the remaining portions of this section.

47 SECTION 5. That Section 1-2220A, Idaho Code, be, and the same is hereby  
48 repealed.



1 SECTION 6. That Section 31-2012, Idaho Code, be, and the same is hereby  
2 repealed.

3 SECTION 7. That Section 33-503, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 33-503. ELECTION OF TRUSTEES -- UNIFORM DATE. (1) The election of  
6 school district trustees including those in charter districts shall be on  
7 the Tuesday following the first Monday in November in odd-numbered years.  
8 Notice and conduct of the election, and the canvassing of the returns shall  
9 be as provided in chapter 14, title 34, Idaho Code. In each trustee zone, the  
10 person receiving the greatest number of votes cast within his zone shall be  
11 declared by the board of trustees as the trustee elected from that person's  
12 zone.

13 (2) If any two (2) or more persons residing in the same trustee zone have  
14 an equal number of votes and a greater number than any other nominee residing  
15 in that zone, then the board of trustees shall determine the winner by a toss  
16 of a coin.

17 ~~(3) The provisions of sections 67-6601 through 67-6616, Idaho Code, and~~  
18 ~~sections 67-6623 through 67-6630, Idaho Code, shall apply to all elections~~  
19 ~~of school district trustees, except for elections of trustees in a school~~  
20 ~~district that has fewer than five hundred (500) students. Provided however,~~  
21 ~~the county clerk shall stand in place of the secretary of state and the county~~  
22 ~~prosecutor shall stand in place of the attorney general. Any report or fil-~~  
23 ~~ing required to be filed by or for a candidate by such Idaho Code sections~~  
24 ~~shall be filed with the county clerk of the county wherein the district lies~~  
25 ~~or, in the case of a joint district, with the county clerk of the home county~~  
26 ~~as designated pursuant to section 33-304, Idaho Code.~~

27 ~~(4) Incumbent trustees as of the effective date of this act shall have~~  
28 ~~their terms expire on January 1 following the November election of their suc-~~  
29 ~~cessors.~~

30 SECTION 8. That Section 33-2106, Idaho Code, be, and the same is hereby  
31 amended to read as follows:

32 33-2106. TRUSTEES OF COMMUNITY COLLEGE DISTRICTS. (1) The board of  
33 trustees of each community college district shall consist of five (5) elec-  
34 tors who shall reside in a different trustee zone from each other and who  
35 shall be appointed or elected as provided in this section.

36 (a) Immediately following the establishment of a new community college  
37 district, the state board of education shall divide the district into  
38 five (5) trustee zones, which shall be as nearly equal in population as  
39 practicable. If a community college district is situated within two (2)  
40 or more counties, and any one (1) of the counties has sufficient popula-  
41 tion to warrant at least one (1) zone, then the boundaries of a trustee  
42 zone shall be located wholly within the boundaries of such county. The  
43 state board shall also appoint the members of the first board who shall  
44 serve until the election and qualification of their successors.

45 (b) At the first election of trustees after the creation of a district,  
46 five (5) trustees shall be elected: two (2) for terms of two (2) years

1 each, and three (3) for terms of four (4) years each. Thereafter the  
2 successors of persons so elected shall be elected for terms of four (4)  
3 years.

4 (c) Excluding any first election of trustees after the creation of a  
5 district, at any other election of trustees held in 2008, and in each  
6 trustee election thereafter, trustees shall be elected to terms of four  
7 (4) years. If more than two (2) trustee positions are eligible for elec-  
8 tion in 2008, one (1) trustee shall be elected to a term of four (4) years  
9 and two (2) trustees shall be elected to a term of six (6) years. There-  
10 after the successors of persons so elected in 2008 shall be elected for  
11 terms of four (4) years.

12 (d) The expiration of any term shall be at the regular meeting of the  
13 trustees next following the election for the successor terms.

14 (2) Elections of trustees of community college districts shall be bi-  
15 ennially, in even-numbered years, and shall be held on a date authorized  
16 in section 34-106, Idaho Code. Vacancies on the board of trustees shall be  
17 filled by appointment by the remaining members, but if by reason of vacancies  
18 there remain on the board less than a majority of the required number of mem-  
19 bers, appointment to fill such vacancies shall be made by the state board of  
20 education. Any person so appointed must reside in the trustee zone where the  
21 vacancy occurs and shall serve until the next trustee election, at which time  
22 his successor shall be elected for the unexpired term. The trustees shall  
23 take and subscribe the oath of office required in the case of state officers  
24 and said oath shall be filed with the secretary of state.

25 (3) Notice of the election, the conduct thereof, the qualification of  
26 electors and the canvass of returns shall be as prescribed in chapter 14, ti-  
27 tle 34, Idaho Code.

28 (4) All eligible electors within a community college district may vote  
29 for candidates in each and every zone. An individual who is a candidate for  
30 a specific zone of the community college district must reside in that same  
31 specific zone, and the candidate in each zone receiving the largest number  
32 of votes from the district shall be declared elected. An individual shall  
33 be a candidate for a specific position of the board and each candidate must  
34 declare which position he seeks on the board of trustees. If it be necessary  
35 to resolve a tie between two (2) or more persons, the board of trustees shall  
36 determine by lot which thereof shall be declared elected. The clerk of the  
37 board shall promptly notify any person by mail of his election, enclosing a  
38 form of oath to be subscribed by him as herein provided.

39 (5) When elections held pursuant to this section coincide with other  
40 elections held by the state of Idaho or any subdivision thereof, or any mu-  
41 nicipality or school district, the board of trustees may make agreement with  
42 the body holding such election for joint boards of election and the payment  
43 of fees and expenses of such boards of election on such proportionate basis  
44 as may be agreed upon.

45 (6) At its first meeting following the appointment of the first board of  
46 trustees, and at the first regular meeting following any community college  
47 trustee election, the board shall organize, and shall elect one (1) of its  
48 members chairman, one (1) a vice-chairman; and shall elect a secretary and  
49 a treasurer, who may be members of the board; or one (1) person to serve as  
50 secretary and treasurer, who may be a member of the board.

**DRAFT**

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11

1           (7) ~~The provisions of sections 67-6601 through 67-6616, Idaho Code, and~~  
2 ~~sections 67-6623 through 67-6630, Idaho Code, are hereby made applicable to~~  
3 ~~all community college trustee elections. Provided however, that the county~~  
4 ~~clerk shall stand in place of the secretary of state and the county prosecu-~~  
5 ~~tor shall stand in place of the attorney general. Any report or filing re-~~  
6 ~~quired to be filed by or for a candidate by such sections of Idaho Code shall~~  
7 ~~be filed with the county clerk of the county where such candidate resides.~~

8           ~~(8)~~ The board shall set a given day of a given week in each month as its  
9 regular meeting time. Three (3) members of the board shall constitute a quo-  
10 rum for the transaction of official business.

11           (98) The authority of trustees of community college districts shall be  
12 limited in the manner prescribed in section 33-507, Idaho Code.

13           (109) Any decision of the state board of education issued pursuant to  
14 chapter 21, title 33, Idaho Code, may be appealed to the district court of  
15 any county in which the district or proposed district lies or shall lie. The  
16 pleadings and other papers shall be filed not more than sixty (60) days after  
17 notice of the order appealed and service of two (2) copies thereof shall be  
18 made upon the state board of education.

19           SECTION 9. That Section 40-1417, Idaho Code, be, and the same is hereby  
20 repealed.

21           SECTION 10. That Section 50-420, Idaho Code, be, and the same is hereby  
22 repealed.

23           SECTION 11. That Section 67-4931, Idaho Code, be, and the same is hereby  
24 repealed.