

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 487

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO BOND AND LEVY ELECTIONS; AMENDING SECTION 34-106, IDAHO CODE, TO
2 PROVIDE THAT CERTAIN DISTRICT BOND OR LEVY ELECTIONS SHALL NOT BE HELD
3 WITHIN TWELVE MONTHS OF A FAILED BOND OR LEVY ELECTION WITHIN THE SAME
4 DISTRICT.
5

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

7 SECTION 1. That Section 34-106, Idaho Code, be, and the same is hereby
8 amended to read as follows:

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

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

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

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

18 (c) In addition to the elections specified in paragraphs (a) and (b) of
19 this subsection and subsection (7) of this section, an emergency elec-
20 tion may be called upon motion of the governing board of a political sub-
21 division. An emergency exists when there is a great public calamity,
22 such as an extraordinary fire, flood, storm, epidemic, or other disaster,
23 or if it is necessary to do emergency work to prepare for a national
24 or local defense, or it is necessary to do emergency work to safeguard
25 life, health or property.

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

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

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

37 (4) The governing board of each political subdivision subject to the
38 provisions of this section, which, prior to January 1, 2011, conducted an
39 election for members of that governing board on a date other than a date per-
40 mitted in subsection (1) of this section, shall establish as the election
41 date for that political subdivision the date authorized in subsection (1) of

1 this section which falls nearest the date on which elections were previously
2 conducted, unless another date is established by law.

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

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

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

13 (8) Except as otherwise provided, initiative, referendum, bond, levy
14 and any other ballot question elections conducted by any political subdivi-
15 sion shall be held on the nearest date authorized in subsection (1) of this
16 section which falls more than sixty (60) days after the clerk of the politi-
17 cal subdivision orders that such election shall be held in May and November
18 of even-numbered years and fifty (50) days for all other elections, unless
19 otherwise provided by law. City initiative and referendum elections shall
20 be held in November of odd-numbered years as provided by section 34-1801B,
21 Idaho Code. Ballot language for any question to be placed on the ballot shall
22 be submitted to the county clerk at least sixty (60) days before the election
23 held in May and November of even-numbered years and at least fifty (50) days
24 for all other elections. In the event that a bond or levy election fails to be
25 approved by the electors of the district, no subsequent bond or levy question
26 of the same type or subject shall be submitted to the electors of the same
27 district for a period of twelve (12) months from the date of the election that
28 failed to approve the tax levy or the issuance of bonds.

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

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