

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 639

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO BOND ELECTIONS; AMENDING SECTION 34-106, IDAHO CODE, TO PROVIDE  
2 THAT CERTAIN DISTRICT BOND ELECTIONS SHALL NOT BE HELD WITHIN ELEVEN  
3 MONTHS OF A FAILED BOND ELECTION WITHIN THE SAME DISTRICT; AND AMEND-  
4 ING SECTION 63-1309, IDAHO CODE, TO PROVIDE THAT CERTAIN DISTRICT BOND  
5 ELECTIONS SHALL NOT BE HELD WITHIN ELEVEN MONTHS OF A FAILED BOND ELEC-  
6 TION.  
7

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

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

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

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

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

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

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

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

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

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

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

1 date for that political subdivision the date authorized in subsection (1) of  
 2 this section which falls nearest the date on which elections were previously  
 3 conducted, unless another date is established by law.

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

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

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

14 (8) Except as otherwise provided, initiative, referendum, bond, levy  
 15 and any other ballot question elections conducted by any political subdivi-  
 16 sion shall be held on the nearest date authorized in subsection (1) of this  
 17 section which falls more than sixty (60) days after the clerk of the politi-  
 18 cal subdivision orders that such election shall be held in May and November  
 19 of even-numbered years and fifty (50) days for all other elections, unless  
 20 otherwise provided by law. City initiative and referendum elections shall  
 21 be held in November of odd-numbered years as provided by section 34-1801B,  
 22 Idaho Code. Ballot language for any question to be placed on the ballot shall  
 23 be submitted to the county clerk at least sixty (60) days before the election  
 24 held in May and November of even-numbered years and at least fifty (50) days  
 25 for all other elections. Subject to the provisions of section 63-1309, Idaho  
 26 Code, in the event that a bond election fails to be approved by the elec-  
 27 tors of the district, no subsequent bond question of the same type or subject  
 28 shall be submitted to the electors of the same district for a period of eleven  
 29 (11) months from the date of the election that failed to approve the issuance  
 30 of bonds.

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

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

40 SECTION 2. That Section 63-1309, Idaho Code, be, and the same is hereby  
 41 amended to read as follows:

42 63-1309. SPECIAL TAXING DISTRICT OR BOND PROPOSAL DEFEATED IN ELEC-  
 43 TION BARS SUBSEQUENT ELECTIONS FOR SPECIFIED TIME -- EXCEPTION -- BOARD OF  
 44 EDUCATION MAY CONDUCT ELECTION -- MUNICIPALITIES, WATER OR SEWER DISTRICTS  
 45 MAY CONDUCT BOND ELECTION. If any election has been held for the formation of  
 46 any special taxing district, or for the approval of any bond issue ~~or other~~  
 47 ~~proposal which~~ that would have resulted in a property tax levy, and the pro-  
 48 posal submitted at such election was defeated, no subsequent election shall  
 49 be held within ~~two (2)~~ eleven (11) months from and after the date of such

1 prior election for the same or a similar purpose in any district which in-  
2 cludes any part of the area which was affected by the prior election. In the  
3 event any school building is destroyed or rendered unusable for school pur-  
4 poses by reason of fire, flood or other catastrophe, and a school bond elec-  
5 tion for the purpose of the replacement of such building is prohibited by  
6 the provisions of this section or by the provisions of section 34-106, Idaho  
7 Code, the state board of education shall have the power to authorize an elec-  
8 tion for such purpose by order based upon a finding of such facts. The provi-  
9 sions of this section shall not apply to school elections held solely for de-  
10 termining property tax levies for general school purposes not involving the  
11 issuance of bonds. This time requirement between elections shall not apply  
12 to municipalities or water and/or sewer districts when bond issues are be-  
13 ing proposed for the installation or improvement of water supply systems or  
14 public sewerage systems which have been deemed necessary by the Idaho state  
15 board of health and welfare to bring such system or systems in conformance  
16 with state statutes or rules of the state board of health and welfare.