

STATEMENT OF PURPOSE

RS26536

This is one of a series of bills the Supreme Court has recommended in its annual report to the Governor concerning defects or omissions in the laws, as required by article V, section 25 of the Idaho Constitution. I.C. § 34-2127 currently requires the Supreme Court to render a decision in primary election contest appeals no more than ten (10) days after "the receipt of" the appeal. This timeframe does not provide adequate opportunity for briefing by the parties or the scheduling of oral argument, and it is not consistent with the trial court decision deadline (which, per I.C. § 34-2126, is not more than ten (10) days "after the hearing"). In order to bring the appeal decision deadline in accord with the trial court deadline, and thereby recognize the parties' entitlement to both adequate trial and appellate processes, I.C. § 34-2127 should be amended to allow the Supreme Court to render a decision within ten (10) days of when the case becomes at issue.

FISCAL NOTE

This proposed amendment will have no fiscal impact upon the General Fund, any other state fund, or local governments. In accordance with Joint Rule 18, the reason no fiscal impact is projected is because the amendment only addresses the need for an adequate process for primary election contest appeals by aligning the turn-around time for the Supreme Court's decision with the trial court decision timeframe, and it neither involves nor affects any government expenditure or revenue.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).