

IN THE SENATE

SENATE BILL NO. 1159

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO INITIATIVES AND REFERENDUMS; AMENDING SECTION 34-1801A, IDAHO
2 CODE, TO PROVIDE FOR CERTAIN INITIATIVE PETITION REQUIREMENTS AND TO
3 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1802, IDAHO CODE, TO
4 REVISE PROVISIONS REGARDING GATHERING AND SUBMITTING SIGNATURES FOR AN
5 INITIATIVE PETITION; AMENDING SECTION 34-1804, IDAHO CODE, TO REVISE
6 PROVISIONS REGARDING THE REQUIREMENTS OF EACH BALLOT MEASURE SIGNATURE
7 SHEET AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-1805,
8 IDAHO CODE, TO REVISE PROVISIONS REGARDING THE SIGNATURES REQUIRED FOR
9 AN INITIATIVE OR REFERENDUM PETITION; AMENDING CHAPTER 18, TITLE 34,
10 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1812, IDAHO CODE, TO
11 PROVIDE REQUIREMENTS FOR A FISCAL IMPACT STATEMENT FOR EACH QUALIFYING
12 BALLOT INITIATIVE; AMENDING SECTION 34-1812C, IDAHO CODE, TO PROVIDE
13 FOR A FISCAL IMPACT STATEMENT SUMMARY IN THE VOTERS' PAMPHLET AND TO
14 MAKE TECHNICAL CORRECTIONS; PROVIDING SEVERABILITY; AND DECLARING AN
15 EMERGENCY.
16

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

18 SECTION 1. That Section 34-1801A, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 34-1801A. PETITION. (1) An initiative petition shall embrace only one
21 (1) subject and matters properly connected with it.

22 (2) The initiative may contain an effective date, if passed, which
23 shall not be sooner than July 1 of the year following the vote on the ballot
24 initiative. If no effective date is specified in the petition, the effective
25 date of an initiative that has been approved by the electorate shall be July
26 1 of the following year.

27 (3) The sponsor of an initiative shall propose a funding source for the
28 cost of implementing the measure. The proposed funding source information,
29 along with the fiscal impact statement summary prepared by the division of
30 financial management pursuant to section 34-1812, Idaho Code, shall accom-
31 pany a copy of the initiative when it is circulated for signatures and filed
32 with the secretary of state, but shall not formally be part of the initiative
33 and shall have no binding effect.

34 (4) The following shall be substantially the form of petition for any
35 law proposed by the initiative:

36 WARNING

37 It is a felony for anyone to sign any initiative or referendum petition with
38 any name other than his own, or to knowingly sign his name more than once for
39 the measure, or to sign such petition when he is not a qualified elector.

INITIATIVE PETITION

To the Honorable . . . , Secretary of State of the State of Idaho:

"We, the undersigned citizens and qualified electors of the State of Idaho, respectfully demand that the following proposed law, to-wit: (setting out full text of measure proposed) shall be submitted to the qualified electors of the State of Idaho, for their approval or rejection at the regular general election, to be held on the . . . day of . . . , A.D., . . . , and each for himself says: I have personally signed this petition; I am a qualified elector of the State of Idaho; my residence and legislative district are correctly written after my name.

Signature	Printed Name	Residence Street and Number	City	Date	Legislative District Official
					<u>Use</u> <u>Only</u>

(Here follow twenty numbered lines for signatures.)

(5) The petition for referendum on any act passed by the state legislature of the state of Idaho shall be in substantially the same form with appropriate title and changes, setting out in full the text of the act of the legislature to be referred to the people for their approval or rejection.

SECTION 2. That Section 34-1802, Idaho Code, be, and the same is hereby amended to read as follows:

34-1802. INITIATIVE PETITIONS -- TIME FOR GATHERING SIGNATURES -- TIME FOR SUBMISSION OF SIGNATURES TO THE COUNTY CLERK -- TIME FOR FILING. (1) Except as provided in section 34-1804, Idaho Code, petitions for an initiative shall be circulated and signatures obtained beginning upon the date that the petitioners receive the official ballot title from the secretary of state and extending ~~eighteen (18) months~~ one hundred eighty (180) days from that date, or April 30 of the year of the next general election, whichever occurs earlier. The last day for circulating petitions and obtaining signatures shall be the last day of April in the year an election on the initiative will be held.

(2) The person or persons or organization or organizations under whose authority the measure is to be initiated shall submit the petitions containing signatures to the county clerk for verification pursuant to the provisions of section 34-1807, Idaho Code. The signatures required shall be submitted to the county clerk not later than the close of business on the first day of May in the year an election on the initiative will be held, or ~~eighteen (18) months~~ one hundred eighty (180) days from the date the petitioner receives the official ballot title from the secretary of state, whichever is earlier.

(3) The county clerk shall, within sixty (60) calendar days of the deadline for the submission of the signatures, verify the signatures contained

1 in the petitions, but in no event shall the time extend beyond the last day of
2 June in the year an election on the initiative will be held.

3 (4) Initiative petitions with the requisite number of signatures at-
4 tached shall be filed with the secretary of state not less than four (4)
5 months before the election at which they are to be voted upon.

6 SECTION 3. That Section 34-1804, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 34-1804. PRINTING OF PETITION AND SIGNATURE SHEETS. Before or at the
9 time of beginning to circulate any petition for the referendum to the people
10 on any act passed by the state legislature of the state of Idaho, or for any
11 law proposed by the initiative, the person or persons or organization or or-
12 ganizations under whose authority the measure is to be referred or initiated
13 shall send or deliver to the secretary of state a copy of such petition duly
14 signed by at least twenty (20) qualified electors of the state, which shall
15 be filed by said officer in his office, and who shall immediately transmit
16 a copy of the petition to the attorney general for the issuance of the cer-
17 tificate of review as provided in section 34-1809, Idaho Code. All petitions
18 for the initiative and for the referendum and sheets for signatures shall be
19 printed on a good quality of bond or ledger paper in the form and manner as ap-
20 proved by the secretary of state. To every sheet of petitioners' signatures
21 shall be attached a full and correct copy of the measure so proposed by ini-
22 tiative petition and a copy of the fiscal impact summary; but such petition
23 may be filed by the secretary of state in numbered sections for convenience
24 in handling. Every sheet of petitioners' signatures upon referendum peti-
25 tions shall be attached to a full and correct copy of the measure on which the
26 referendum is demanded, and may be filed in numbered sections in like man-
27 ner as initiative petitions. Not more than twenty (20) signatures on one
28 (1) sheet shall be counted. Each signature sheet shall contain signatures of
29 qualified electors from only one (1) county legislative district.

30 SECTION 4. That Section 34-1805, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 34-1805. SPONSORS TO PRINT PETITION -- NUMBER OF SIGNERS RE-
33 QUIRED. (1) After the form of the initiative or referendum petition has been
34 approved by the secretary of state as provided in sections 34-1801A through
35 34-1822, Idaho Code, ~~provided,~~ the same shall be printed by the person or
36 persons or organization or organizations under whose authority the mea-
37 sure is to be referred or initiated and circulated in the ~~several counties~~
38 legislative districts of the state for the signatures of legal voters.

39 (2) Before such petitions shall be entitled to final filing and consid-
40 eration by the secretary of state, there shall be affixed thereto the signa-
41 tures of legal voters equal in number to not less than ~~six ten~~ sixteen percent (~~610~~
42 16%) of the qualified electors at the time of the last general election in each of
43 at least ~~eighteen (18)~~ thirty-two (32) legislative districts; provided how-
44 ever, the total number of signatures shall be equal to or greater than ~~six ten~~
45 sixteen percent (~~610~~ 16%) of the qualified electors of the state at the time of the last
46 general election.

1 SECTION 5. That Chapter 18, Title 34, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 34-1812, Idaho Code, and to read as follows:

4 34-1812. FISCAL IMPACT STATEMENTS. (1) A statement of fiscal impact
5 shall be prepared for each initiative that has qualified for the ballot. At
6 the time the secretary of state transmits a copy of the ballot title and ap-
7 proved form of any initiative petition to the persons initiating the mea-
8 sure, the secretary of state shall also transmit a copy of the ballot title
9 and initiative petition to the division of financial management.

10 (2) The division of financial management, in consultation with any
11 other appropriate state or local agency, shall prepare an unbiased, good
12 faith statement of the fiscal impact of the law proposed by the initiative.
13 The statement of fiscal impact may review the initiative sponsor's cost
14 estimate required under section 34-1801A, Idaho Code, but shall then inde-
15 pendently calculate and prepare a statement of fiscal impact that describes
16 any projected increase or decrease in revenues, costs, expenditures, or in-
17 debtedness that the state or local governments will experience if the ballot
18 measure is approved by the voters. The fiscal impact statement shall include
19 both immediate expected fiscal impacts and an estimate of any state or local
20 government long-term financial implications. A fiscal impact statement
21 must be written in clear and concise language and shall avoid legal and tech-
22 nical terms whenever possible. Where appropriate, a fiscal impact statement
23 may include both estimated dollar amounts and a description placing the es-
24 timated dollar amounts into context.

25 (3) A fiscal impact statement must include both a summary not to exceed
26 one hundred (100) words and a more detailed statement that includes the as-
27 sumptions that were made to develop the fiscal impacts. Fiscal impact state-
28 ments must be available online from the secretary of state's website no later
29 than August 1. The fiscal impact statement summary shall be circulated with
30 the petition when signatures are being gathered, and shall also be included
31 in the state voters' pamphlet and on the official ballot.

32 SECTION 6. That Section 34-1812C, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 34-1812C. VOTERS' PAMPHLET. (1) Not later than September 25 before any
35 regular general election at which an initiative or referendum measure is to
36 be submitted to the people, the secretary of state shall cause to be printed a
37 voters' pamphlet which shall contain the following:

38 (a) A complete copy of the title and text of each measure with the number
39 and form in which the ballot title thereof will be printed on the offi-
40 cial ballot;

41 (b) A copy of the fiscal impact statement summary; and

42 (c) A copy of the arguments and rebuttals for and against each state
43 measure.

44 (2) The secretary of state shall mail or distribute a copy of the vot-
45 ers' pamphlet to every household in the state. Sufficient copies of the vot-
46 ers' pamphlet shall also be sent to each county clerk. The county clerk and
47 the secretary of state shall make copies of the voters' pamphlet available
48 upon request.

1 (3) The voters' pamphlet shall be printed according to the following
2 specifications:

3 (a) The pages of the pamphlet shall be ~~not~~ no smaller than 6 x 9 inches in
4 size;

5 (b) It shall be printed in clear, readable type, no less than 10-point,
6 except that the text of any measure may be set forth in no less than
7 7-point type;

8 (c) It shall be printed on a quality and weight of paper ~~which~~ that, in
9 the judgment of the secretary of state, best serves the voters;

10 (d) If the material described in subsections ~~(a) and (b)~~ (1) of this
11 section is combined in a single publication with constitutional amend-
12 ments, the entire publication shall be treated as a legal notice.

13 SECTION 7. SEVERABILITY. The provisions of this act are hereby declared
14 to be severable and if any provision of this act or the application of such
15 provision to any person or circumstance is declared invalid for any reason,
16 such declaration shall not affect the validity of the remaining portions of
17 this act.

18 SECTION 8. An emergency existing therefor, which emergency is hereby
19 declared to exist, this act shall be in full force and effect on and after its
20 passage and approval.