

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 548

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO INITIATIVES AND REFERENDUMS; AMENDING SECTION 34-1801A, IDAHO CODE, TO PROVIDE FOR CERTAIN INITIATIVE PETITION REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1803B, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE REMOVAL OF A SIGNATURE FROM A PETITION; AMENDING SECTION 34-1813, IDAHO CODE, TO REVISE PROVISIONS REGARDING EFFECTIVE DATES OF INITIATIVE AND REFERENDUM MEASURES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6612, IDAHO CODE, TO PROVIDE FOR THE DISCLOSURE OF PAYMENTS MADE TO SIGNATURE GATHERERS; AND PROVIDING SEVERABILITY.

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

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

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

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

WARNING

It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for 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 (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	Residence	City	Date	Legislative
	Name	Street			District
		and			Official
		Number			Use Only

(Here follow no more than twenty numbered lines for signatures.)

1           (3) The petition for referendum on any act passed by the state legisla-  
 2 ture of the state of Idaho shall be in substantially the same form with appro-  
 3 priate title and changes, setting out in full the text of the act of the leg-  
 4 islature to be referred to the people for their approval or rejection.

5           SECTION 2. That Section 34-1803B, Idaho Code, be, and the same is hereby  
 6 amended to read as follows:

7           34-1803B. INITIATIVE AND REFERENDUM PETITIONS -- REMOVAL OF SIGNA-  
 8 TURES. (1) The signer of any initiative or referendum petition may remove his  
 9 or her own name from the petition by crossing out, obliterating or otherwise  
 10 defacing his or her own signature at any time prior to the time when the peti-  
 11 tion is presented to the county clerk for signature verification.

12           (2) The signer of any initiative or referendum petition may have his  
 13 or her name removed from the petition at any time after presentation of the  
 14 petition to the county clerk but prior to verification of the signature, by  
 15 presenting in writing or submitting electronically to the county clerk a  
 16 signed statement that the signer desires to have his name removed from the  
 17 petition. The statement shall contain sufficient information to clearly  
 18 identify the signer. The county clerk shall immediately strike the signer's  
 19 name from the petition, and adjust the total of certified signatures on the  
 20 petition accordingly. The statement shall be attached to, and become a part  
 21 of the initiative or referendum petition.

22           (3) Each signature page of an initiative or referendum petition shall  
 23 state that any person signing a petition may remove his signature pursuant to  
 24 this section.

25           SECTION 3. That Section 34-1813, Idaho Code, be, and the same is hereby  
 26 amended to read as follows:

27           34-1813. COUNTING, CANVASSING AND RETURN OF VOTES -- EFFECTIVE  
 28 DATES. (1) The votes on measures and questions shall be counted, canvassed,  
 29 and returned by the regular boards of judges, clerks, and officers, as votes  
 30 for candidates are counted, canvassed, and returned, and the abstract made  
 31 by the several county auditors of votes on measures shall be returned to the  
 32 secretary of state on separate abstract sheets in the manner provided for  
 33 abstract of votes for state and county officers. It shall be the duty of the  
 34 secretary of state, in the presence of the governor, to proceed within thirty  
 35 (30) days after the election, and sooner if the returns be all received, to  
 36 canvass the votes given for each measure, and the governor shall forthwith  
 37 issue his proclamation, giving the whole number of votes cast in the state  
 38 for and against such measure and question, and declaring such measures as are  
 39 approved by a majority of those voted thereon to be in full force and effect  
 40 as the law of the state of Idaho from the date of said proclamation, ~~provided,~~  
 41 ~~that if~~ for any referendum measure. The effective date for an initiative  
 42 measure shall be governed by the provisions of subsection (2) of this sec-  
 43 tion. If two (2) or more measures shall be approved at said election which  
 44 are known to conflict with each other or to contain conflicting provisions,  
 45 he shall also proclaim which is paramount in accordance with the provisions  
 46 of sections 34-1801-- through 34-1822, Idaho Code.

1       (2) (a) A statewide initiative may contain an effective date, if passed,  
2       that shall be no earlier than July 1 of the year following the vote on the  
3       ballot initiative. If no effective date is specified in the petition,  
4       the effective date of a statewide initiative that has been approved by  
5       the electorate shall be July 1 of the following year.

6       (b) A city or county initiative may contain an effective date, if  
7       passed, that may be earlier than July 1 of the year following the vote  
8       on the ballot initiative, but no earlier than the mayor's proclamation  
9       as provided in section 34-1801B, Idaho Code, or the proclamation by the  
10       board of county commissioners, as provided in section 34-1801C, Idaho  
11       Code. If no effective date is specified in the petition, the effective  
12       date of a city or county initiative that has been approved by the elec-  
13       torate shall be July 1 of the following year.

14       SECTION 4. That Chapter 66, Title 67, Idaho Code, be, and the same is  
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
16 ignated as Section 67-6612, Idaho Code, and to read as follows:

17       67-6612. DISCLOSURE OF PAYMENTS MADE TO SIGNATURE GATHERERS. (1) Any  
18 person who pays or provides other valuable consideration in an aggregate  
19 amount of one hundred dollars (\$100) or more to another person or persons,  
20 in exchange for their actions or intended actions of gathering signatures  
21 on a ballot initiative petition or referendum, shall file a statement of the  
22 expenditure with the secretary of state.

23       (2) The provisions of this section shall apply beginning on the date  
24 that the ballot initiative or referendum petitioners receive from the secre-  
25 tary of state the official ballot title for which the person is paying to have  
26 signatures gathered and shall continue for as long as the filer makes pay-  
27 ments to a signature gatherer or gatherers.

28       (3) Statements shall be filed on or before the twentieth day of the  
29 month following the month during which the payments to the signature gath-  
30 erers were made.

31       (4) The statement shall contain the following information:

32       (a) The name and address of any signature gatherer to whom a payment  
33 in excess of fifty dollars (\$50.00) has been made during the reported  
34 month; and

35       (b) The total sum of all payments made to signature gatherers in the ag-  
36 gregate during the reported month.

37       (5) In addition to the statements filed under subsection (3) of this  
38 section, any person who pays a signature gatherer or gatherers the aggregate  
39 amount of one thousand dollars (\$1,000) or more during the fourteen (14) days  
40 prior to the election shall file a notice of the expenditures with the secre-  
41 tary of state not more than forty-eight (48) hours from the time of the expen-  
42 diture. The notice shall include the information required under subsection  
43 (4) of this section.

44       SECTION 5. SEVERABILITY. The provisions of this act are hereby declared  
45 to be severable and if any provision of this act or the application of such  
46 provision to any person or circumstance is declared invalid for any reason,  
47 such declaration shall not affect the validity of the remaining portions of  
48 this act.