

Moved by DeMordaunt

Seconded by Dixon(1)

IN THE HOUSE OF REPRESENTATIVES
HOUSE AMENDMENT TO H.B. NO. 319

AMENDMENT TO THE BILL

1
2 On page 1 of the printed bill, delete lines 15 through 19, and renumber
3 subsequent sections accordingly.

AMENDMENT TO SECTION 3

4
5 On page 2, in line 39, delete "or a city bond or levy"; and in line 40,
6 delete "election".

AMENDMENT TO SECTION 4

7
8 On page 3, delete line 37, and insert: "November of an odd-numbered year
9 if the election is to be held in or before November 2024. If the election is
10 to be held in November of 2026 or later, the petition shall have signatures
11 from at least twenty percent (20%) of the total number of qualified elec-
12 tors voting in the last general city election in November of an even-numbered
13 year.".

AMENDMENT TO THE BILL

14
15 On page 5, delete lines 42 through 48; and delete pages 6 and 7, and in-
16 sert:

17 "SECTION 5. That Section 50-405, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 50-405. GENERAL AND SPECIAL CITY ELECTIONS.

20 (1) (a) A general election shall be held in each city governed by this
21 title, for officials as in this title provided, on the Tuesday following
22 the first Monday of November in each odd-numbered year. until 2024,
23 when city officials shall be elected at a general election held on the
24 Tuesday following the first Monday of November in even-numbered years.
25 The transition for cities holding city council member elections by
26 district shall be governed by the provisions of section 50-707A, Idaho
27 Code. The transition for all city mayors and for cities holding city
28 council member elections at large shall be governed by the provisions
29 of this subsection, notwithstanding any other provision of law to the
30 contrary:

31 (i) Any city official elected at the 2021 election shall serve a
32 term of three (3) years.

33 (ii) Any city official elected at the 2023 election shall serve a
34 term of three (3) years.

35 (iii) The normal terms of office, as appropriate under applicable
36 law, shall resume for any city official elected at the 2024 elec-
37 tion and each election thereafter.

1 **(b)** All such officials shall be elected and hold their respective of-
2 fices for the term specified and until their successors are elected and
3 qualified. All other city elections that may be held under authority of
4 general law shall be known as special city elections.

5 (2) (a) No city election shall be held for an office if, after the dead-
6 line for filing a declaration of intent to be a write-in candidate for
7 the office, it appears:

8 (i) For the office of mayor, only one (1) person has filed a dec-
9 laration of candidacy or a declaration of intent to be a write-in
10 candidate;

11 (ii) For the office of city council member in cities that have es-
12 tablished designated seats, as provided in section 50-707, Idaho
13 Code, only one (1) person has filed a declaration of candidacy or a
14 declaration of intent to be a write-in candidate for a particular
15 seat up for election for a two (2) year term or a four (4) year term;
16 or

17 (iii) For the office of city council member in cities that do not
18 have designated council seats as provided in section 50-707, Idaho
19 Code, the number of people who have filed a declaration of candi-
20 dacy or a declaration of intent to be a write-in candidate is equal
21 to or fewer than the number of council positions up for election
22 for a two (2) year term or a four (4) year term.

23 (b) If the provisions of paragraph (a) of this subsection have been
24 met, the city clerk shall declare such candidate elected. The candidate
25 shall receive a certificate of election and be installed at the first
26 city council meeting in January following the election.

27 (3) On and after January 1, 2011, notwithstanding any other provisions
28 of law to the contrary, there shall be no more than two (2) elections con-
29 ducted in any city in any calendar year, except as provided in this section.

30 (4) The dates on which elections may be conducted are:

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

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

33 (c) In addition to the elections specified in paragraphs (a) and (b) of
34 this subsection, an emergency election may be called upon motion of the
35 city council of a city. An emergency exists when there is a great pub-
36 lic calamity, such as an extraordinary fire, flood, storm, epidemic or
37 other disaster, or if it is necessary to do emergency work to prepare for
38 a national or local defense, or if it is necessary to do emergency work
39 to safeguard life, health or property.

40 (5) Pursuant to section 34-1401, Idaho Code, all city elections shall
41 be conducted by the county clerk of the county wherein the city lies, and
42 elections shall be administered in accordance with the provisions of title
43 34, Idaho Code, except as those provisions are specifically modified by the
44 provisions of this chapter. After an election has been ordered, all expenses
45 associated with conducting city general and special elections shall be paid
46 from the county election fund as provided by section 34-1411, Idaho Code.
47 Expenses associated with conducting runoff elections shall be paid by the
48 city adopting runoff elections pursuant to the provisions of section 50-612
49 or 50-707B, Idaho Code, or both.

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

4 SECTION 6. That Section 50-707A, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 50-707A. ELECTION OF COUNCILMEN BY DISTRICTS. (1) Any city having
7 fewer than one hundred thousand (100,000) inhabitants based upon the most
8 recent federal decennial census may, by ordinance, provide for districts
9 and the election of councilmen by districts. Upon the adoption of such an
10 ordinance and at least one hundred twenty (120) days prior to each general
11 election, the governing body of the city shall establish the territory of
12 council districts in accordance with this section. Any city having more
13 than one hundred thousand (100,000) inhabitants based upon the most recent
14 federal decennial census shall establish districts and shall elect coun-
15 cilmen by such districts for districts so established. Districts shall be
16 established no later than one hundred twenty (120) days prior to the general
17 election following the date that election precincts are established pur-
18 suant to the provisions of section 34-301, Idaho Code.

19 (2) Each district shall consist of one (1) or more contiguous election
20 precincts as established pursuant to the provisions of chapter 3, title 34,
21 Idaho Code, and each district shall, to the nearest extent possible, contain
22 the same ~~number of people~~ population based upon the most recent federal de-
23 cennial census, with a maximum ten percent (10%) variance between the least
24 populated district and the most populated district.

25 (3) Each city establishing districts for the election of councilmen by
26 districts shall establish the number of districts corresponding to the num-
27 ber of council seats determined by the city pursuant to section 50-701, Idaho
28 Code, or for any city having a governing body governed by the provisions of
29 sections 50-801 through 50-812, Idaho Code, the number of council seats de-
30 termined by the city pursuant to section 50-805, Idaho Code.

31 (4) Districts will be drawn by a committee as established by ordinance.
32 The county clerk or designee shall be a nonvoting ex officio member to as-
33 sist the committee with regard to precincts, boundaries, and any other dis-
34 tricting issues. Districts must be compact. No shoestring districts or dis-
35 tricts drawn to protect incumbents are permitted. Districts must be redrawn
36 every ten (10) years following the decennial census. If a city's boundaries
37 change in the interim, the new territory must be joined to a contiguous dis-
38 trict. If two (2) districts are contiguous to the new territory, the ter-
39 ritory must be added to the district with the lower population, unless to do
40 so would result in a population variance greater than ten percent (10%). In
41 such a case, or if the districts are of equal population, the new territory
42 may be split evenly by population between the two (2) contiguous districts.
43 All proceedings of the committee must comply with the open meetings law set
44 forth in chapter 2, title 74, Idaho Code. All draft maps, memoranda, and
45 other records of the committee are public records subject to chapter 1, ti-
46 tle 74, Idaho Code.

47 (5) Upon establishment of city election districts, council members are
48 to be elected by the electors of the said geographic district, and any can-

1 didate must be a resident of said geographic district. ~~For cities with fewer~~
 2 ~~than one hundred thousand (100,000) inhabitants that establish districts by~~
 3 ~~ordinance, the council shall determine, not less than ninety (90) days be-~~
 4 ~~fore the next general election, the method of the implementation of this or-~~
 5 ~~dinance.~~

6 (6) Any city transitioning from at-large elections to elections by dis-
 7 trict shall be governed by the following provisions:

8 (a) For the 2021 election of city council members, elections may con-
 9 tinue to be at large, but members shall be elected for a two (2) year term
 10 only.

11 (b) Districts shall be established using the 2020 federal decennial
 12 census data at least one hundred twenty (120) days prior to the general
 13 election held in 2023.

14 (c) For the 2023 election of city council members, all council member
 15 seats shall be open for election, using the new districts established
 16 under paragraph (b) of this subsection. In order to implement alter-
 17 nating terms, members elected to odd-numbered districts in 2023 shall
 18 be elected for a one (1) year term and members elected to even-numbered
 19 districts in 2023 shall be elected for a three (3) year term. In 2024 and
 20 thereafter, city council elections shall be held in even-numbered years
 21 and the usual terms of office shall resume, as appropriate under appli-
 22 cable law.

23 (d) Following any subsequent redistricting of city council district
 24 boundaries, any sitting council member shall be permitted to serve the
 25 remainder of his term in order to preserve the staggering of terms. A
 26 council member is not permitted to run for reelection to a district seat
 27 in which the member is not a resident.

28 SECTION 7. An emergency existing therefor, which emergency is hereby
 29 declared to exist, Sections 5 and 6 of this act shall be in full force and ef-
 30 fect on and after passage and approval. Sections 1, 2, 3, and 4 of this act
 31 shall be in full force and effect on and after January 1, 2024."

32 CORRECTION TO TITLE

33 On page 1, delete lines 2 through 13, and insert:

34 "RELATING TO CITY ELECTIONS; AMENDING SECTION 34-101, IDAHO CODE, TO PRO-
 35 VIDE THAT CITY ELECTIONS SHALL BE HELD IN EVEN-NUMBERED YEARS AND TO
 36 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-106, IDAHO CODE, TO
 37 PROVIDE THAT CITY INITIATIVE AND REFERENDUM ELECTIONS SHALL BE HELD
 38 IN EVEN-NUMBERED YEARS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
 39 SECTION 34-1801B, IDAHO CODE, TO PROVIDE THAT CITY INITIATIVE AND REF-
 40 ERENDUM ELECTIONS SHALL BE HELD IN EVEN-NUMBERED YEARS AND TO MAKE
 41 TECHNICAL CORRECTIONS; AMENDING SECTION 50-402, IDAHO CODE, TO REVISE A
 42 DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-405,
 43 IDAHO CODE, TO REVISE PROVISIONS REGARDING WHEN CITY GENERAL ELECTIONS
 44 SHALL BE HELD; AMENDING SECTION 50-707A, IDAHO CODE, TO REVISE PROVI-
 45 SIONS REGARDING THE ELECTION OF CITY COUNCIL MEMBERS; AND DECLARING AN
 46 EMERGENCY AND PROVIDING EFFECTIVE DATES."