

IN THE SENATE

SENATE BILL NO. 1067

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 33-511, IDAHO CODE, TO REVISE PRO-  
2 VISIONS REGARDING AN ELECTION TO DISCONTINUE A SCHOOL AND TO MAKE A  
3 TECHNICAL CORRECTION; AMENDING SECTION 34-702A, IDAHO CODE, TO REVISE  
4 PROVISIONS REGARDING A DECLARATION OF INTENT FOR WRITE-IN CANDIDATES;  
5 AMENDING SECTION 34-1401, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE  
6 TECHNICAL CORRECTIONS; AMENDING SECTION 34-1702, IDAHO CODE, TO REVISE  
7 PROVISIONS REGARDING RECALL PETITIONS; AMENDING SECTION 34-1703, IDAHO  
8 CODE, TO REVISE PROVISIONS REGARDING INFORMATION ON RECALL PETITIONS;  
9 AMENDING SECTION 34-1704, IDAHO CODE, TO REVISE PROVISIONS REGARD-  
10 ING RECALL PETITION PROCEDURES; AMENDING SECTION 34-1706, IDAHO CODE,  
11 TO REVISE PROVISIONS REGARDING RECALL PETITIONS; AMENDING SECTION  
12 34-1707, IDAHO CODE, TO REVISE PROVISIONS REGARDING RECALL PETITIONS;  
13 AMENDING SECTION 34-1709, IDAHO CODE, TO REVISE A PROVISION REGARD-  
14 ING SPECIAL RECALL ELECTION RESULTS; AMENDING SECTION 34-1714, IDAHO  
15 CODE, TO REVISE PROVISIONS REGARDING PROHIBITED ACTS; AMENDING SECTION  
16 34-1715, IDAHO CODE, TO REVISE PROVISIONS REGARDING RECALL PETITIONS;  
17 AMENDING SECTION 42-4204, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
18 AQUIFER RECHARGE DISTRICT ELECTIONS; AMENDING SECTION 50-403, IDAHO  
19 CODE, TO REVISE PROVISIONS REGARDING THE ADMINISTRATION OF ELECTION  
20 LAWS; AND AMENDING SECTION 50-418, IDAHO CODE, TO REVISE PROVISIONS  
21 REGARDING INITIATIVE AND REFERENDUM ELECTIONS.  
22

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

24 SECTION 1. That Section 33-511, Idaho Code, be, and the same is hereby  
25 amended to read as follows:

26 33-511. MAINTENANCE OF SCHOOLS. The board of trustees of each school  
27 district shall have the following powers and duties:

28 (1) Each elementary school district shall maintain at least one (1) el-  
29 elementary school, and each other school district shall maintain at least one  
30 (1) elementary school and one (1) secondary school;

31 (2) To employ necessary help and labor to maintain and operate the  
32 schools of the district;

33 (3) To discontinue any school within the district whenever it shall  
34 find such discontinuance to be in the best interests of the district and of  
35 the pupils therein. For the purposes of this section, discontinuing a school  
36 shall mean no longer maintaining a school of any kind, at the same location,  
37 except in the case of secondary units as herein provided.

38 (a) When any school proposed to be discontinued is one which was oper-  
39 ated and maintained by a former district now wholly incorporated within  
40 the boundaries of the district operated by said board of trustees, and,  
41 immediately following reorganization and the dissolution of said for-  
42 mer district, such school has been continuously operated and maintained

1 at the same location by the presently organized district, the following  
2 procedures shall apply before discontinuing a school:

3 (i) The board of trustees must first give notice of such proposal  
4 not later than the first day of ~~July~~ June next preceding the date  
5 of the proposed discontinuance. Such notice shall be posted, and  
6 published once, in the manner provided in section 33-402, Idaho  
7 Code, and shall identify the school proposed to be discontinued.

8 (ii) If, not later than the first day of ~~August~~ July following  
9 the posting and publishing of the notice of discontinuance, five  
10 (5) or more qualified school district electors residing within the  
11 school district shall petition the board of trustees for an elec-  
12 tion to be held within the school district on the question of dis-  
13 continuance of that school, the board of trustees shall ~~forthwith~~  
14 immediately order an election to be held ~~within fourteen (14) on~~  
15 the first available election date provided by section 34-106(7),  
16 Idaho Code, that is at least fifty (50) days of following the date  
17 of said order and shall give notice of the election.

18 (iii) Notice of such election shall be posted at or near the main  
19 door of the school proposed to be discontinued and at or near the  
20 main door of the administrative offices of the school district and  
21 shall also be published in one (1) issue of a newspaper printed  
22 in the county in which is situate the school proposed to be dis-  
23 continued. The notice shall state the date the election is to be  
24 held, the place of voting, and the hours between which the polls  
25 shall be open. In addition, the notice of election shall describe  
26 the area of the particular attendance unit of the school district  
27 and shall identify the school proposed to be discontinued; and it  
28 shall state that only qualified school district electors residing  
29 within the school district may vote on the question of discontinu-  
30 ing the school.

31 (iv) The election shall be held within the school district and  
32 there shall be submitted to the electors a ballot containing the  
33 proposal:

34 1. For discontinuing the school located at.....,

35 2. Against discontinuing the school located at.....

36 (v) If a majority of the qualified electors, as defined in this  
37 section and voting in the election, shall vote against discontinu-  
38 ing that school, then said school shall not be discontinued; and no  
39 proposal to discontinue the same school shall be made by the board  
40 of trustees of the district within nine (9) months after the date  
41 of the election.

42 (vi) If a secondary unit which the trustees of a district pro-  
43 pose to close is more than thirty (30) miles by all-weather road  
44 from the attendance unit to which it is proposed to transfer such  
45 students, then, notwithstanding other provisions of this section,  
46 five (5) electors residing within the attendance area of the unit  
47 proposed to be closed may, as provided by this section, petition  
48 the board of trustees requesting an election to determine whether  
49 or not such attendance unit, or any portion of it, shall be closed.  
50 The board shall ~~forthwith~~ immediately call and hold an election as

1           herein provided. However, for the purpose of this section relat-  
 2           ing to the secondary attendance unit thirty (30) miles or more dis-  
 3           tant from another secondary attendance unit, only the patrons res-  
 4           ident in this attendance area shall be eligible to vote, except for  
 5           attendance units, or portions of them, created after January 1,  
 6           2002, in which case qualified school district electors throughout  
 7           the school district shall be eligible to vote. The election shall  
 8           be deemed passed and the unit shall not be closed if a majority of  
 9           those voting in the election vote in favor of retaining the atten-  
 10          dance unit.

11          (b) The provisions of paragraph (a) of this subsection shall not apply  
 12          when:

13           (i) The administrator of the division of building safety has  
 14           determined that the school constitutes an imminent public safety  
 15           hazard and has issued an order or notice requiring the school dis-  
 16           trict superintendent, principal, board member or other person in  
 17           charge to cause all persons, except those necessary to eliminate  
 18           the condition, to be withdrawn from, and to be restrained from en-  
 19           tering the school, pursuant to section 39-8008, Idaho Code; and  
 20           (ii) The school district board of trustees have voted at a public  
 21           meeting to discontinue the school.

22          SECTION 2. That Section 34-702A, Idaho Code, be, and the same is hereby  
 23          amended to read as follows:

24          34-702A. DECLARATION OF INTENT FOR WRITE-IN CANDIDATES. (1) No  
 25          write-in vote for any office in a primary, special, or general election shall  
 26          be counted unless a declaration of intent has been filed indicating that the  
 27          person desires the office and is legally qualified to assume the duties of  
 28          said office if elected. The declaration of intent shall be filed with the  
 29          secretary of state if for a federal, state, or legislative district office  
 30          and with the county clerk if for a county or party precinct committeeman  
 31          office. Such declaration of intent shall be filed no later than the eighth  
 32          Friday before the day of election. The secretary of state shall prescribe  
 33          the form for said declaration.

34          (2) In those counties which utilize optical scan ballots, an elector  
 35          shall not place on the ballot a sticker bearing the name of a person, or use  
 36          any other method or device, except writing, to vote for a person whose name is  
 37          not printed on the ballot.

38          SECTION 3. That Section 34-1401, Idaho Code, be, and the same is hereby  
 39          amended to read as follows:

40          34-1401. ELECTION ADMINISTRATION. (1) Notwithstanding any provision  
 41          to the contrary, the county clerk shall administer all elections on behalf  
 42          of any political subdivision, subject to the provisions of this chapter,  
 43          including all special district elections and elections of special questions  
 44          submitted to the electors as provided in this chapter. Water districts gov-  
 45          erned by chapter 6, title 42, Idaho Code, recreational water and/or sewer  
 46          districts as defined in section 42-3202A, Idaho Code, ~~ground-water~~ aquifer  
 47          recharge districts governed by chapter 42, title 42, Idaho Code, ground

1 water management districts governed by chapter 51, title 42, Idaho Code,  
2 ground water districts governed by chapter 52, title 42, Idaho Code, and  
3 irrigation districts governed by title 43, Idaho Code, are exempt from the  
4 provisions of this chapter. Municipal elections shall be conducted under  
5 the provisions of this chapter except for the specific provisions of chapter  
6 4, title 50, Idaho Code. All school district and highway district elections  
7 shall be conducted pursuant to the provisions of this chapter 14, title 34,  
8 Idaho Code. All highway district and school district elections shall be  
9 administered by the clerk of the county wherein the district lies. Elec-  
10 tions in a joint school district or other political subdivisions that extend  
11 beyond the boundaries of a single county shall be conducted jointly by the  
12 clerks of the respective counties, and the clerk of the home county shall  
13 exercise such powers as are necessary to coordinate the election. "Home  
14 county" shall be defined as the county in which the business office for the  
15 district or political subdivision is located.

16 (2) For the purposes of achieving uniformity, the secretary of state  
17 shall, from time to time, provide directives and instructions to the var-  
18 ious county clerks. Unless a specific exception is provided in this chap-  
19 ter, the provisions of this chapter shall govern in all questions regard-  
20 ing the conduct of elections on behalf of all political subdivisions. In all  
21 matters not specifically covered by this chapter, other provisions of title  
22 34, Idaho Code, governing elections shall prevail over any special provision  
23 which conflicts therewith.

24 (3) The county clerk shall conduct the elections for political subdi-  
25 visions and shall perform all necessary duties of the election official of  
26 a political subdivision including, but not limited to, notice of the filing  
27 deadline, notice of the election, and preparation of the election calendar.

28 SECTION 4. That Section 34-1702, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 34-1702. REQUIRED SIGNATURES ON PETITION. A petition for recall of an  
31 officer shall be instituted by filing with the appropriate official a veri-  
32 fied written petition requesting such recall.

33 (1) If the petition seeks recall of any of the officers named in subsec-  
34 tion (1) (a) of section 34-1701, Idaho Code, the petition shall be filed with  
35 the secretary of state, and must be signed by registered electors equal in  
36 number to twenty percent (20%) of the number of electors registered to vote  
37 at the last general election held to elect a governor.

38 (2) If the petition seeks recall of any of the officers named in subsec-  
39 tion (1) (b) of section 34-1701, Idaho Code, the petition shall be filed with  
40 the secretary of state, and must be signed by registered electors of the leg-  
41 islative district equal in number to twenty percent (20%) of the number of  
42 electors registered to vote at the last general election held in the legisla-  
43 tive district at which the member was elected.

44 (3) If the petition seeks recall of any of the officers named in subsec-  
45 tion (2) (a) of section 34-1701, Idaho Code, the petition shall be filed with  
46 the county clerk, and must be signed by registered electors of the county  
47 equal in number to twenty percent (20%) of the number of electors registered  
48 to vote at the last general election held in the county for the election of  
49 county officers at which the officer was elected.

1 (4) If the petition seeks recall of any of the officers named in sub-  
2 section (3) of section 34-1701, Idaho Code, the petition shall be filed with  
3 the city county clerk, and must be signed by registered electors of the city  
4 equal in number to twenty percent (20%) of the number of electors registered  
5 to vote at the last general city election held in the city for the election  
6 of officers. If the city is located in two (2) or more counties, the clerk  
7 in each county shall perform the functions within that county as provided in  
8 section 34-1401, Idaho Code.

9 (5) If the petition seeks recall of any of the officers named in subsec-  
10 tion (4) of section 34-1701, Idaho Code, the petition shall be filed with the  
11 county clerk of the county wherein the district is located. If the district  
12 is located in two (2) or more counties, the clerk in each county shall perform  
13 the functions within that county. The petition must be signed by registered  
14 electors of the district or school trustee zone equal in number to fifty per-  
15 cent (50%) of the number of electors who cast votes in the last election of  
16 the district or school trustee zone. If no district election has been held in  
17 the last six (6) years, the petition must be signed by twenty percent (20%) of  
18 the number of electors registered to vote in the district or school trustee  
19 zone at the time the petition is filed.

20 SECTION 5. That Section 34-1703, Idaho Code, be, and the same is hereby  
21 amended to read as follows:

22 34-1703. FORM OF PETITION. (1) The recall petition for state officers  
23 other than members of the state legislature shall be in substantially the  
24 following form:

25 RECALL PETITION

26 To the Honorable...., Secretary of State for the State of Idaho:  
27 We, the undersigned citizens and registered electors of the State of  
28 Idaho respectfully demand that...., holding the office of...., be recalled  
29 by the registered electors of this state for the following reasons (setting  
30 out the reasons for recall in no more than 200 words):  
31 that a special election therefor be called; that we, each for himself say: I  
32 am a registered elector of the State of Idaho; my residence, address includ-  
33 ing city county, and the date I signed this petition are correctly written  
34 after my name.

35 Signature Printed Name Residence City County Date  
36 Street and  
37 Number

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

39 (2) The recall petition for members of the state legislature shall be in  
40 substantially the following form:

41 RECALL PETITION

1 To the Honorable...., Secretary of State for the State of Idaho:  
 2 We, the undersigned citizens and registered electors of Legislative  
 3 District No....., respectfully demand that....., holding the office of.....,  
 4 be recalled by the registered electors of Legislative District No..... for  
 5 the following reasons (setting out the reasons for recall in no more than 200  
 6 words):  
 7 that a special election therefor be called; that we, each for himself say: I  
 8 am a registered elector of Legislative District No....., my residence, ad-  
 9 dress including city county, and the date I signed this petition are cor-  
 10 rectly written after my name.

11 Signature Printed Name Residence City County Date  
 12 Street and  
 13 Number

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

15 (3) The recall petition for county officers shall be in substantially  
 16 the following form:

17 RECALL PETITION

18 To the Honorable...., County Clerk for the County of....:  
 19 We, the undersigned citizens and registered electors of the County  
 20 of....., respectfully demand that....., holding the office of....., of the  
 21 County of....., be recalled by the registered electors of the County of....  
 22 for the following reasons (setting out the reasons for recall in no more than  
 23 200 words):  
 24 that a special election therefor be called; that we, each for himself say: I  
 25 am a registered elector of the County of....., my residence, address includ-  
 26 ing city county, and the date I signed this petition are correctly written  
 27 after my name.

28 Signature Printed Name Residence City County Date  
 29 Street and  
 30 Number

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

32 (4) The recall petition for city officers shall be in substantially the  
 33 following form:

34 RECALL PETITION

35 To the Honorable...., City County Clerk for the City County of....:  
 36 We, the undersigned citizens and registered electors of the City  
 37 of....., respectfully demand that....., holding the office of....., of the City  
 38 of....., be recalled by the registered electors of the City of.... for the  
 39 following reasons (setting out the reasons for recall in no more than 200  
 40 words):



1           (2) The secretary of state, or county clerk, ~~or city clerk~~, as the case  
2 may be, shall indicate in writing on the prospective recall petition that  
3 he has approved it as to form and the date of such approval. Upon approval  
4 as to form, the secretary of state, or county clerk, ~~or city clerk~~, shall  
5 inform the person or persons, or organization or organizations under whose  
6 authority the recall petition is to be circulated, in writing, that the pe-  
7 tition must be perfected with the required number of signatures within sev-  
8 enty-five (75) days following the date of approval as to form. Signatures on  
9 the prospective petition shall not be counted toward the required number of  
10 signatures. Any petition that does not contain the required number of sig-  
11 natures within the seventy-five (75) days allowed shall be declared null and  
12 void ab initio in its entirety.

13           SECTION 7. That Section 34-1706, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15           34-1706. EXAMINATION AND CERTIFICATION OF SIGNATURES. All petitions  
16 with attached signature sheets shall be filed on the same day with the secre-  
17 tary of state, or county clerk, ~~or city clerk~~, as the case may be. The sec-  
18 retary of state ~~or the city clerk~~ shall promptly transmit the petitions and  
19 attached signature sheets to the appropriate county clerks. An examination  
20 to verify whether or not the petition signers are qualified electors shall be  
21 conducted by the county clerk and a certificate shall be attached to the sig-  
22 nature sheets as provided in section 34-1807, Idaho Code. This examination  
23 shall not exceed fifteen (15) business days from the date of receipt of the  
24 petitions.

25           SECTION 8. That Section 34-1707, Idaho Code, be, and the same is hereby  
26 amended to read as follows:

27           34-1707. SUFFICIENCY OF PETITION -- NOTIFICATION -- EFFECT OF RESIG-  
28 NATION -- SPECIAL ELECTION. (1) In the event that a petition filed with the  
29 secretary of state is found by the secretary of state to contain the required  
30 number of certified signatures, the secretary of state shall promptly pro-  
31 vide written notice to the officer being recalled and the petitioner that the  
32 recall petition is in proper form. If the officer being recalled is the sec-  
33 retary of state, the governor shall also be notified.

34           (a) If the officer being recalled resigns his office within five (5)  
35 business days after notice from the secretary of state, his resignation  
36 shall be accepted and the resignation shall take effect on the day it is  
37 offered, and the vacancy shall be filled as provided by law.

38           (b) If the officer being recalled does not resign his office within five  
39 (5) business days after notice from the secretary of state, a special  
40 election shall be ordered by the secretary of state, unless he is the of-  
41 ficer being recalled, in which event the governor shall order such spe-  
42 cial election. The special election must be held on the date prescribed  
43 in section 34-106, Idaho Code. If the officer being recalled is one (1)  
44 specified in section 34-1701(1) (a), Idaho Code, the special election  
45 shall be conducted statewide. If the officer being recalled is one (1)  
46 specified in section 34-1701(1) (b), Idaho Code, the special election  
47 shall be conducted only in the legislative district.



1 (2) In the event that a petition filed with the county clerk is found  
 2 by the county clerk to contain the required number of certified signatures,  
 3 the county clerk shall promptly provide written notice to the officer being  
 4 recalled and the petitioner that the recall petition is in proper form. If  
 5 the officer being recalled is the county clerk, the secretary of state shall  
 6 also be notified.

7 (a) If the officer being recalled resigns his office within five (5)  
 8 business days after notice from the county clerk, his resignation shall  
 9 be accepted and the resignation shall take effect on the day it is of-  
 10 fered, and the vacancy shall be filled as provided by law.

11 (b) If the officer being recalled does not resign his office within five  
 12 (5) business days after notice from the county clerk, a special election  
 13 shall be ordered by the county clerk, unless the county clerk is the of-  
 14 ficer being recalled, in which event the secretary of state shall order  
 15 the special election. The special election must be held on the date pre-  
 16 scribed in section 34-106, Idaho Code. The special election shall be  
 17 conducted countywide.

18 (3) In the event that a petition filed with the county clerk concern-  
 19 ing the recall of an official of a ~~local government office~~ city or special  
 20 district is found by the county clerk to contain the required number of  
 21 certified signatures, the county clerk shall promptly provide written no-  
 22 tice to the officer being recalled, the petitioner, and the governing board  
 23 ~~responsible for the local government official, if any,~~ of the city or special  
 24 district that the recall petition is in proper form.

25 (a) If the officer being recalled resigns his office within five (5)  
 26 business days after notice from the county clerk, his resignation shall  
 27 be accepted and the resignation shall take effect on the day it is of-  
 28 fered, and the vacancy shall be filled as provided by law.

29 (b) If the officer being recalled does not resign his office within five  
 30 (5) business days after notice from the county clerk, a special elec-  
 31 tion shall be ordered by the county clerk. The special election must be  
 32 held on the date prescribed in section 34-106, Idaho Code. The election  
 33 shall be conducted by the county clerk in the manner provided in section  
 34 34-1401, Idaho Code.

35 (4) In the event that a petition is found not to have the required number  
 36 of signatures, the officer shall continue in office and no new recall peti-  
 37 tion may be circulated for a period of ninety (90) days against the same offi-  
 38 cer.

39 SECTION 9. That Section 34-1709, Idaho Code, be, and the same is hereby  
 40 amended to read as follows:

41 34-1709. OFFICER TO CONTINUE IN OFFICE. The officer named in the re-  
 42 call petition shall continue to perform the duties of his office until the  
 43 results of the special recall election are officially ~~declared~~ proclaimed.

44 SECTION 10. That Section 34-1714, Idaho Code, be, and the same is hereby  
 45 amended to read as follows:

46 34-1714. PROHIBITED ACTS -- PENALTIES. (1) A person is guilty of a  
 47 felony, who:

- 1 (a) Signs any name other than his own to any recall petition;  
 2 (b) Knowingly signs his name more than once on the same recall petition;  
 3 (c) Knowingly signs his name to any recall petition for the recall of  
 4 any state, county, ~~or city,~~ or special district officer if he is not a  
 5 registered elector;  
 6 (d) ~~Wilfully~~ Willfully or knowingly circulates, publishes or exhibits  
 7 any false statement or representation concerning the contents, purport  
 8 or effect of any recall petition for the purpose of obtaining any signa-  
 9 ture to any such petition, or for the purpose of persuading any person to  
 10 sign any such recall petition;  
 11 (e) Presents to any officer for filing any recall petition to which is  
 12 attached, appended or subscribed any signature which the person so fil-  
 13 ing such petition knows to be false or fraudulent, or not the genuine  
 14 signature of the person purporting to sign such petition, or whose name  
 15 is attached, appended or subscribed thereto;  
 16 (f) Circulates or causes to circulate any recall petition, knowing the  
 17 same to contain false, forged or fictitious names;  
 18 (g) Makes any false affidavit concerning any recall petition or the  
 19 signatures appended thereto;  
 20 (h) Offers, proposes or threatens for any pecuniary reward or consider-  
 21 ation:  
 22 (i) To offer, propose, threaten or attempt to sell, hinder or  
 23 delay any recall petition or any part thereof or any signatures  
 24 thereon;  
 25 (ii) To offer, propose or threaten to desist from beginning, pro-  
 26 moting or circulating any recall petition;  
 27 (iii) To offer, propose, attempt or threaten in any manner or form  
 28 to use any recall petition or any power of promotion or opposition  
 29 in any manner or form for extortion, blackmail or secret or private  
 30 intimidation of any person or business interest.  
 31 (2) A public officer is guilty of a felony, who:—(a) ~~K~~knowingly makes  
 32 any false return, certification or affidavit concerning any recall peti-  
 33 tion, or the signatures appended thereto.

34 SECTION 11. That Section 34-1715, Idaho Code, be, and the same is hereby  
 35 amended to read as follows:

36 34-1715. REFUSAL TO ACCEPT PETITION -- MANDATE -- INJUNCTION. If the  
 37 secretary of state, or county clerk, ~~or city clerk,~~ refuses to accept and  
 38 file any petition for the recall of a public officer with the requisite num-  
 39 ber of eligible signatures, any citizen may apply within ten (10) business  
 40 days after such refusal to the district court for a writ of mandamus to com-  
 41 pel him to do so. If it shall be decided by the court that such petition is  
 42 legally sufficient, the secretary of state, or county clerk, ~~or city clerk~~  
 43 shall then accept and file the recall petition, with a certified copy of the  
 44 judgment attached thereto, as of the date on which it was originally offered  
 45 for filing in his office, except that the time limitations required by sec-  
 46 tion 34-1704(2), Idaho Code, shall begin to run only as of the date of the  
 47 court judgment, which shall be so stated in the judgment. On a showing that  
 48 the petition is not legally sufficient, the court may enjoin the secretary of  
 49 state, or county clerk, ~~or city clerk,~~ and all other officers from certifying

1 or printing any official ballot for a recall election. All such suits shall  
2 be advanced on the court docket and heard and decided by the court as quickly  
3 as possible. Either party may appeal to the court of appeals within ten (10)  
4 business days after a decision is rendered. The district court of the state  
5 of Idaho in and for Ada County shall have jurisdiction in all cases involving  
6 the recall of state officers.

7 SECTION 12. That Section 42-4204, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 42-4204. BOARD OF DIRECTORS -- COMPOSITION -- APPOINTMENT OF FIRST  
10 BOARD -- ELECTION OF SUBSEQUENT BOARDS. (1) The board of directors of the  
11 aquifer recharge district shall consist of five (5) members. Each member  
12 shall be a water user, or representative of a water user within the district.  
13 The members of the board shall be as follows:

14 (a) ~~e~~One (1) member shall be a member of a lateral ditch water user's as-  
15 sociation, canal company, irrigation district or similar organization;

16 (b) ~~e~~One (1) member shall be an owner or operator of a commercial fish  
17 hatchery licensed in accordance with the provisions of section 22-4602,  
18 Idaho Code;

19 (c) ~~e~~One (1) member shall be a farmer or rancher who is an appropria-  
20 tor of groundwater and whose diversion thereof is accomplished primar-  
21 ily through the operation of a well or wells;

22 (d) ~~e~~One (1) member shall be a member of the city council of a municipal-  
23 ity within the district; and

24 (e) ~~e~~One (1) member shall be generally representative of the interests  
25 of water users within the district.

26 (2) The first board of directors shall be appointed by the director  
27 of the department of water resources. Water users within the district,  
28 or groups thereof, may submit to the director, or the director may solicit  
29 therefrom, the names of qualified individuals to be considered for appoint-  
30 ment to the board.

31 (3) The term of office of the directors shall be determined by lot so  
32 that three (3) members shall serve for a term of two (2) years and two (2) mem-  
33 bers shall serve for a term of one (1) year. Thereafter, members shall serve  
34 two (2) year terms and shall be elected as ~~hereinafter~~ provided in this sec-  
35 tion.

36 (4) On the first Tuesday in February following the expiration of the  
37 term of those members serving for one (1) year, and on the first Tuesday in  
38 February of each year thereafter, an election shall be held in accordance  
39 with the provisions of chapter 14, title 34, Idaho Code, at which directors  
40 to succeed those whose terms have expired will be elected. Each director  
41 so elected shall possess the qualifications required of all members of the  
42 board and in addition shall possess the qualifications of the director whom  
43 he is to succeed in office.

44 (5) In any election for director, if, after the deadline for filing a  
45 declaration of intent as a write-in candidate, it appears that only one (1)  
46 qualified candidate has been nominated for a director's position, it shall  
47 not be necessary for the candidate to stand for election, and the board of  
48 ~~trustees~~ directors of the district shall declare such candidate elected as

1 director, and the secretary of the district shall immediately make and de-  
2 liver to such person a certificate of election.

3 SECTION 13. That Section 50-403, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 50-403. SUPERVISION OF ADMINISTRATION OF ELECTION LAWS BY COUNTY  
6 CLERK. (1) For each city, the county clerk of the county is the chief elec-  
7 tions officer and shall exercise general supervision of the administration  
8 of the election laws in the city for the purpose of achieving and maintaining  
9 a maximum degree of correctness, impartiality, efficiency and uniformity.  
10 The county clerk shall meet with and issue instructions to election judges  
11 and clerks prior to the opening of the polls to ensure uniformity in the  
12 application, operation and interpretation of the election laws during the  
13 election.

14 (2) Elections in a city located in more than one (1) county shall be con-  
15 ducted jointly by the clerks of the respective counties, as provided in sec-  
16 tion 34-1401, Idaho Code.

17 SECTION 14. That Section 50-418, Idaho Code, be, and the same is hereby  
18 amended to read as follows:

19 50-418. INITIATIVE AND REFERENDUM ELECTIONS. Initiative and referen-  
20 dum elections shall be governed by the provisions of chapter 18, title 34,  
21 Idaho Code, ~~and chapter 5, title 50, Idaho Code,~~ except as those provisions  
22 are specifically modified by this chapter.