

IN THE SENATE

SENATE BILL NO. 1150

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO INITIATIVES AND REFERENDUMS; AMENDING SECTION 34-1807, IDAHO  
2 CODE, TO REVISE PROVISIONS REGARDING THE CIRCULATION AND SIGNING OF  
3 BALLOT INITIATIVE AND REFERENDUM PETITIONS; AND DECLARING AN EMER-  
4 GENCY.  
5

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

7 SECTION 1. That Section 34-1807, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 34-1807. CIRCULATION OF PETITIONS -- VERIFICATION OF PETITION AND  
10 SIGNATURE SHEETS -- COMPARISON OF SIGNATURES WITH REGISTRATION OATHS AND  
11 RECORDS -- CERTAIN PETITIONS AND SIGNATURES VOID. (1) Any person who cir-  
12 culates any petition for an initiative or referendum shall be a resident of  
13 the state of Idaho and at least eighteen (18) years of age. No petition for an  
14 initiative or referendum may be circulated outside of the state of Idaho, and  
15 all petition signers must be physically located in the state of Idaho at the  
16 time of signing. Each and every sheet of every such petition containing sig-  
17 natures shall be verified on the face thereof in substantially the following  
18 form, by the person who circulated said sheet of said petition, by his or her  
19 affidavit thereon, and as a part thereof:

20 State of Idaho )  
21 )ss.  
22 County of.... )

23 I, ....., being first duly sworn, say: That I am a resident of the State of  
24 Idaho and at least eighteen (18) years of age: that every person who signed  
25 this sheet of the foregoing petition signed his or her name thereto in my  
26 presence ~~and was physically located in the State of Idaho at the time of~~  
27 signing. I believe that each has stated his or her name, address and res-  
28 idence correctly, that each signer is a qualified elector of the State of  
29 Idaho, and a resident of the county of.....

30 Signed.....  
31 ~~Post-office~~ Post office address .....  
32 Subscribed and sworn to before me this.... day of.....  
33 (Notary Seal) Notary Public .....  
34 Residing at .....

35 (2) In addition to said affidavit the county clerk shall carefully ex-  
36 amine said petitions and shall attach to the signature sheets a certificate  
37 to the secretary of state substantially as follows:

1 State of Idaho )  
2 ) ss.  
3 County of.... )

4 To the honorable...., Secretary of State for the State of Idaho:  
5 I,...., County Clerk of.... County, hereby certify that.... signatures on  
6 this petition are those of qualified electors in legislative district num-  
7 ber.....

8 Signed.....  
9 County Clerk or Deputy.

10 (Seal of office)

11 (3) The county clerk shall deliver the petition or any part thereof to  
12 the person from whom he received it with his certificate attached thereto  
13 as above provided. The forms herein given are not mandatory and if substan-  
14 tially followed in any petition, it shall be sufficient, disregarding clerical  
15 and merely technical error.

16 (4) Any petition upon which signatures are obtained by a person not a  
17 resident of the state of Idaho and at least eighteen (18) years of age, shall  
18 be void. The definition of resident in section 34-107, Idaho Code, shall ap-  
19 ply to the circulators of initiative and referendum petitions. In addition  
20 to being a resident, a petition circulator shall be at least eighteen (18)  
21 years of age.

22 (5) Any petition circulated outside of the state of Idaho upon which  
23 signatures are obtained by signers not physically located in the state of  
24 Idaho at the time of signing shall be void.

25 SECTION 2. An emergency existing therefor, which emergency is hereby  
26 declared to exist, this act shall be in full force and effect on and after its  
27 passage and approval.