

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 512

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO BOND ELECTIONS; AMENDING SECTION 34-106, IDAHO CODE, TO PROVIDE  
2 THAT CERTAIN TAXING DISTRICT BOND ELECTIONS SHALL NOT BE HELD WITHIN  
3 ELEVEN MONTHS OF A FAILED BOND ELECTION WITHIN THE SAME TAXING DISTRICT  
4 AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-1309, IDAHO  
5 CODE, TO PROVIDE THAT CERTAIN TAXING DISTRICT BOND ELECTIONS SHALL  
6 NOT BE HELD WITHIN ELEVEN MONTHS OF A FAILED BOND ELECTION AND TO MAKE  
7 TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EF-  
8 FECTIVE DATE.  
9

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

11 SECTION 1. That Section 34-106, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13 34-106. LIMITATION UPON ELECTIONS. On and after January 1, 2011,  
14 notwithstanding any other provisions of the law to the contrary, there shall  
15 be no more than two (2) elections conducted in any county in any calendar  
16 year, except as provided in this section, and except that elections to fill  
17 vacancies in the United States house of representatives shall be held as  
18 provided in the governor's proclamation.

19 (1) The dates on which elections may be conducted are:

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

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

22 (c) In addition to the elections specified in paragraphs (a) and (b) of  
23 this subsection and subsection (7) of this section, an emergency elec-  
24 tion may be called upon motion of the governing board of a political sub-  
25 division. An emergency exists when there is a great public calamity,  
26 such as an extraordinary fire, flood, storm, epidemic, or other disas-  
27 ter, or if it is necessary to do emergency work to prepare for a national  
28 or local defense, or it is necessary to do emergency work to safeguard  
29 life, health or property.

30 (d) In addition to the elections specified elsewhere in this section,  
31 a presidential primary shall be held on the second Tuesday in March in  
32 each presidential election year. Presidential primaries shall be held  
33 separately from other primary elections, which shall be held on the  
34 third Tuesday in May even in presidential election years.

35 (2) Candidates for office elected in May shall take office on the date  
36 specified in the certificate of election but not more than sixty (60) days  
37 following the election.

38 (3) Candidates for office elected in November shall take office as  
39 provided in the constitution, or on January 1~~7~~ next succeeding the November  
40 election.

41 (4) The governing board of each political subdivision subject to the  
42 provisions of this section, which, prior to January 1, 2011, conducted an

1 election for members of that governing board on a date other than a date per-  
 2 mitted in subsection (1) of this section, shall establish as the election  
 3 date for that political subdivision the date authorized in subsection (1) of  
 4 this section which falls nearest the date on which elections were previously  
 5 conducted, unless another date is established by law.

6 (5) The secretary of state is authorized to provide such assistance as  
 7 necessary, and to prescribe any needed rules or interpretations for the con-  
 8 duct of election authorized under the provisions of this section.

9 (6) Water districts governed by chapter 6, title 42, Idaho Code, are ex-  
 10 empt from the provisions of this section.

11 (7) Community colleges governed by chapter 21, title 33, Idaho Code,  
 12 and school districts are subject to the limitations specified in subsection  
 13 (1) of this section, except that school districts may also hold an election  
 14 on the second Tuesday in March of each year and on the last Tuesday in August  
 15 of each year on bonded indebtedness and property tax levy questions.

16 (8) A city initiative or referendum election shall be held on the Tues-  
 17 day following the first Monday in November of odd-numbered years. A Except  
 18 as otherwise provided, a county initiative or referendum election or a bond,  
 19 levy and any other ballot question elections conducted by any political  
 20 subdivision shall be held on the nearest date authorized in subsection (1)  
 21 of this section which falls more than sixty (60) days after the clerk of  
 22 the political subdivision orders that such election shall be held in May or  
 23 November of even-numbered years or more than fifty (50) days after the order  
 24 for all other elections, unless otherwise provided by law. Ballot language  
 25 for any question to be placed on the ballot shall be submitted to the county  
 26 clerk at least sixty (60) days before an election held in May or November of  
 27 even-numbered years and at least fifty (50) days before all other elections.  
 28 Pursuant to the provisions of section 63-1309, Idaho Code, in the event that  
 29 a bond election fails to be approved by the electors of a taxing district, no  
 30 subsequent bond question of the same type or subject shall be submitted to  
 31 the electors of the same taxing district for a period of eleven (11) months  
 32 from the date of the election that failed to approve the issuance of bonds.

33 (9) Recall elections may be held on any of the four (4) dates authorized  
 34 in subsections (1) and (7) of this section that fall more than forty-five  
 35 (45) days after the clerk of the political subdivision orders that such elec-  
 36 tion shall be held.

37 (10) Irrigation districts governed by title 43, Idaho Code, are subject  
 38 to the limitations specified in subsection (1) of this section, except that  
 39 irrigation districts may also hold an election on the first Tuesday in Febru-  
 40 ary of each year and on the first Tuesday in August of each year on questions  
 41 required to be voted upon by title 43, Idaho Code.

42 SECTION 2. That Section 63-1309, Idaho Code, be, and the same is hereby  
 43 amended to read as follows:

44 63-1309. SPECIAL TAXING DISTRICT OR BOND PROPOSAL DEFEATED IN ELEC-  
 45 TION BARS SUBSEQUENT ELECTIONS FOR SPECIFIED TIME -- EXCEPTION -- BOARD OF  
 46 EDUCATION MAY CONDUCT ELECTION -- MUNICIPALITIES, WATER OR SEWER DISTRICTS  
 47 MAY CONDUCT BOND ELECTION. If any election has been held for the formation of  
 48 any special taxing district, or for the approval of any bond issue ~~or other~~  
 49 ~~proposal which~~ that would have resulted in a property tax levy, and the pro-

1 posal submitted at such election was defeated, no subsequent election shall  
2 be held within ~~two (2)~~ eleven (11) months from and after the date of such  
3 prior election for the same or a similar purpose in any district ~~which~~ that  
4 includes any part of the area ~~which was~~ affected by the prior election. In  
5 the event any school building is destroyed or rendered unusable for school  
6 purposes by reason of fire, flood or other catastrophe, and a school bond  
7 election for the purpose of the replacement of such building is prohibited by  
8 the provisions of this section or by the provisions of section 34-106, Idaho  
9 Code, the state board of education shall have the power to authorize an elec-  
10 tion for such purpose by order based upon a finding of such facts. The provi-  
11 sions of this section shall not apply to school elections held solely for de-  
12 termining property tax levies for general school purposes not involving the  
13 issuance of bonds. This time requirement between elections shall not apply  
14 to municipalities or water and/or sewer districts when bond issues are be-  
15 ing proposed for the installation or improvement of water supply systems or  
16 public sewerage systems which have been deemed necessary by the Idaho state  
17 board of health and welfare to bring such system or systems in conformance  
18 with state statutes or rules of the state board of health and welfare.

19 SECTION 3. An emergency existing therefor, which emergency is hereby  
20 declared to exist, this act shall be in full force and effect on and after  
21 July 1, 2022.