

Dear Senators GUTHRIE, Bernt, Wintrow, and
Representatives CRANE, Young, Gannon:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Secretary of State:

IDAPA 34.08.01 - Rules Governing Paid Signature Gatherers (New Chapter) - Temporary and
Proposed Rule (Docket No. 34-0801-2401).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 09/27/2024. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 10/25/2024.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate State Affairs Committee and the House State Affairs Committee
FROM: Principal Legislative Drafting Attorney - Ryan Bush
DATE: September 10, 2024
SUBJECT: Secretary of State

IDAPA 34.08.01 - Rules Governing Paid Signature Gatherers (New Chapter) - Temporary and Proposed Rule (Docket No. 34-0801-2401)

Summary and Stated Reasons for the Rule

The Secretary of State submits notice of temporary and proposed rulemaking at IDAPA 34.08.01 - Rules Governing Paid Signature Gatherers (New Chapter). The proposed chapter of rules is to implement requirements for badges that must be worn by paid signature gatherers for initiatives and referendums.

Negotiated Rulemaking / Fiscal Impact

The Secretary of State states that negotiated rulemaking was not conducted because it was not feasible. There is no anticipated fiscal impact associated with this rulemaking.

Statutory Authority

The temporary and proposed rule appears to be within the statutory authority granted to the Secretary of State in Section 34-1807, Idaho Code.

cc: Secretary of State
Chad Houck

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

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IDAPA 34 – IDAHO SECRETARY OF STATE
34.08.01 – RULES GOVERNING PAID SIGNATURE GATHERERS
DOCKET NO. 34-0801-2401 (NEW CHAPTER)
NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2024.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that the Secretary of State has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 34-1807, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 18, 2024.

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Pursuant to S1377, effective July 1, 2024, the Secretary of State is implementing this temporary rule relating to the badge now required to be worn by paid signature gatherers for initiatives and referendums. The rule sets forth the font, shape, color, and size requirements for the badge.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

S1377, which requires paid signature gatherers for initiatives and referendums to wear badges while gathering signatures went into effect July 1, 2024.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because it was not feasible to conduct negotiated rulemaking due to the narrow requirement for the rule set forth in 34-1807, Idaho Code.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Robert McQuade at (208) 334-2300.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 25, 2024.

DATED this 2nd day of August, 2024.

Robert H. McQuade, Jr.
Assistant Chief Deputy
Idaho Secretary of State
700 W. Jefferson Street, Room E205
P.O. Box 83720
Boise, ID 83720-0080
(208) 334-2300

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 34-0801-2401
(New Chapter)**

34.08.01 – RULES GOVERNING PAID SIGNATURE GATHERERS

000. LEGAL AUTHORITY.

Section 34-1807, Idaho Code.

(7-1-24)T

001. SCOPE.

These rules outline specifications for badge requirements worn by paid signature gatherers who circulate any petition for an initiative or referendum.

(7-1-24)T

002. BADGE REQUIREMENTS.

All badges worn by paid signature gatherers as required by Section 34-1807, Idaho Code, must meet the following minimum requirements:

(7-1-24)T

01. Badge Size. One (1) inch high by three (3) inches wide or larger;

(7-1-24)T

02. Font Family. 'Arial' font (or similar sans-serif equivalent). No italic or script fonts.

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03. Content and Restrictions. Required text must say 'PAID PETITION CIRCULATOR' in all capital letters with no other text or logos included.

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04. Font Size. Minimum font size of twenty-four (24) point. Text should take up as much space on the badge as possible while still being legible.

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05. Font and Background Colors. Black text on white background with no other images or colors.

(7-1-24)T

003. BADGE TEMPLATE.

The following is a template for use in accordance with Section 002 of these rules:



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004. – 999. (RESERVED)