

IN THE SENATE

SENATE BILL NO. 1290

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 1-2220, IDAHO CODE, TO REVISE PROVI-  
2 SIONS REGARDING THE FILING OF DECLARATIONS OF CANDIDACY BY MAGISTRATES;  
3 AMENDING SECTION 31-4306, IDAHO CODE, TO REVISE PROVISIONS REGARD-  
4 ING THE FILING OF DECLARATIONS OF INTENT BY CANDIDATES IN RECREATION  
5 DISTRICT ELECTIONS; AMENDING SECTION 33-2717A, IDAHO CODE, TO REVISE  
6 PROVISIONS REGARDING THE FILING OF DECLARATIONS OF INTENT BY CANDIDATES  
7 IN LIBRARY DISTRICT TRUSTEE ELECTIONS; AMENDING SECTION 34-106, IDAHO  
8 CODE, TO REVISE PROVISIONS REGARDING CERTAIN COUNTY AND RECALL ELEC-  
9 TIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-625, IDAHO  
10 CODE, TO REVISE PROVISIONS REGARDING THE DEADLINE TO FILE DECLARATIONS  
11 OF CANDIDACY IN HIGHWAY DISTRICT COMMISSIONER ELECTIONS; AMENDING SEC-  
12 TION 34-625A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TIME TO  
13 FILE DECLARATIONS OF CANDIDACY IN CERTAIN SINGLE COUNTYWIDE DISTRICT  
14 HIGHWAY DISTRICT COMMISSIONER ELECTIONS; AMENDING SECTION 34-704,  
15 IDAHO CODE, TO REVISE PROVISIONS REGARDING THE FILING OF CERTAIN DEC-  
16 LARATIONS OF CANDIDACY IN PRIMARY ELECTIONS, TO PROVIDE A CORRECT CODE  
17 REFERENCE, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-705,  
18 IDAHO CODE, TO REVISE PROVISIONS REGARDING THE FILING OF CERTAIN DEC-  
19 LARATIONS OF CANDIDACY IN COUNTY ELECTIONS; AMENDING SECTION 34-712,  
20 IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DEADLINE CERTAIN SAMPLE  
21 FORM PRIMARY ELECTION BALLOTS MUST BE PROVIDED TO EACH COUNTY CLERK;  
22 AMENDING SECTION 34-717, IDAHO CODE, TO REVISE PROVISIONS REGARD-  
23 ING CERTAIN CANDIDATE WITHDRAWALS; AMENDING SECTION 34-1205, IDAHO  
24 CODE, TO REVISE PROVISIONS REGARDING THE TIME WHEN THE COUNTY BOARD OF  
25 CANVASSERS MEETS; AMENDING SECTION 34-1211, IDAHO CODE, TO REVISE PRO-  
26 VISIONS REGARDING THE TIME WHEN THE STATE BOARD OF CANVASSERS MEETS;  
27 AMENDING SECTION 34-1404, IDAHO CODE, TO REVISE PROVISIONS REGARD-  
28 ING DECLARATIONS OF CANDIDACY; AMENDING SECTION 34-1405A, IDAHO CODE,  
29 TO REVISE PROVISIONS REGARDING DEADLINES FOR CERTAIN CANDIDATE WITH-  
30 DRAWALS; AMENDING SECTION 34-1407, IDAHO CODE, TO REVISE PROVISIONS  
31 REGARDING WRITE-IN CANDIDATES; AMENDING SECTION 40-1305C, IDAHO CODE,  
32 TO REVISE PROVISIONS REGARDING THE DEADLINES TO FILE CERTAIN NOMINATING  
33 PETITIONS FOR CANDIDATES FOR HIGHWAY DISTRICT COMMISSIONER; REPEALING  
34 SECTION 42-3211a, IDAHO CODE, RELATING TO EXPIRATION OF TERM; AMENDING  
35 SECTION 50-407, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DEAD-  
36 LINES FOR FILING DECLARATIONS OF CANDIDACY AND PETITIONS OF CANDIDACY  
37 FOR CERTAIN MUNICIPAL ELECTIONS; AMENDING SECTION 50-410, IDAHO CODE,  
38 TO REVISE PROVISIONS REGARDING THE FILING OF DECLARATIONS OF CANDIDACY  
39 FOR CERTAIN CITY ELECTIONS; AMENDING SECTION 67-4911, IDAHO CODE, TO  
40 REVISE PROVISIONS REGARDING THE FILING OF NOMINATIONS FOR AUDITORIUM  
41 DISTRICT BOARD ELECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN  
42 EFFECTIVE DATE.  
43

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

1 SECTION 1. That Section 1-2220, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 1-2220. RETENTION OR NONRETENTION OF MAGISTRATE BY VOTE. Any magis-  
4 trate appointed pursuant to the provisions of section 1-2205, Idaho Code,  
5 and section 1-2207(2), Idaho Code, shall stand for office in the first gen-  
6 eral election next succeeding the expiration of the eighteen (18) month  
7 period established pursuant to section 1-2207, Idaho Code. Any magistrate  
8 may, ~~not less than ninety (90) days prior to the holding of the general elec-~~  
9 ~~tion next preceding the expiration of his term of office, during the time~~  
10 period provided in section 34-1404, Idaho Code, file in the office of the  
11 county clerk of the county for which he is a resident magistrate, accompa-  
12 nied by a filing fee of forty dollars (\$40.00), a declaration of candidacy  
13 to succeed himself. If a declaration is not so filed by any magistrate, the  
14 vacancy resulting from the expiration of his term of office shall be filled  
15 by appointment as herein provided, except that any magistrate who does not  
16 file shall be ineligible for appointment within the same judicial district  
17 ~~until for~~ for two (2) years following the expiration of his last term of office  
18 ~~have expired~~. If such a declaration is filed, his name shall be submitted at  
19 the next general election to the voters eligible to vote within the county  
20 for which he is appointed, on a nonpartisan judicial ballot, without party  
21 designation, which shall read:

22 "Shall Magistrate .... (Here insert the name of the magistrate)  
23 of .... (Here insert the name of the county) County of the ....  
24 (Here insert the judicial district number) Judicial District be  
25 retained in office?" (Here provision is to be made for voting "Yes"  
26 or "No-"".)

27 The votes shall be canvassed as provided in chapter 12, title 34, Idaho  
28 Code.

29 If a majority of those voting on the question vote against retaining him  
30 in office, upon the expiration of his term of office, a vacancy shall exist  
31 which shall be filled by appointment as provided in section 1-2205, Idaho  
32 Code, except that the magistrate not retained in office shall be ineligi-  
33 ble for appointment within the same judicial district ~~until for~~ for two (2) years  
34 following the expiration of his last term of office ~~have expired~~.

35 If a majority of those voting on the question vote for retaining him in  
36 office, the county clerk shall issue him a certificate of election as pro-  
37 vided in section 34-1209, Idaho Code, and said magistrate shall, unless re-  
38 moved for cause, remain in office for an additional term of four (4) years,  
39 and at the expiration of each such four (4) year term shall be eligible for  
40 retention in office by election in the manner herein prescribed.

41 SECTION 2. That Section 31-4306, Idaho Code, be, and the same is hereby  
42 amended to read as follows:

43 31-4306. ELECTION OF DIRECTORS. (1) An election of directors shall be  
44 held in each district on the Tuesday succeeding the first Monday of November  
45 of each odd-numbered year. Such election shall be held in conformity with  
46 title 34, Idaho Code. Before the notice of election is given, the board shall  
47 divide the district into subdivisions as nearly equal in population as pos-  
48 sible to be designated as director's subdistrict 1, 2 and 3, or director's

1 subdistrict 1, 2, 3, 4 and 5, depending ~~upon~~ on the number of subdistricts  
 2 in the district. Each nominating petition shall state the subdistrict for  
 3 which the nominee is nominated.

4 (2) In any election for directors if, after the expiration of the date  
 5 for filing written nominations for the office of director, it appears that  
 6 only one (1) qualified candidate has been nominated for each position to be  
 7 filled and if no declaration of intent has been filed as provided in subsec-  
 8 tion (3) of this section, it shall not be necessary to hold an election, and  
 9 the board of directors shall, no later than seven (7) days before the sched-  
 10 uled date of the election, declare such candidate elected as director, and  
 11 the secretary of the recreation district board shall immediately make and  
 12 deliver to such person a certificate of election.

13 (3) No write-in vote for recreation district director shall be counted  
 14 unless a declaration of intent has been filed indicating that the person  
 15 desires the office and is legally qualified to assume the duties of recre-  
 16 ation district director if elected. The declaration of intent shall be filed  
 17 with the recreation district board secretary ~~not later than forty-five (45)~~  
 18 ~~days before the day of election~~ during the time period provided in section  
 19 34-1407, Idaho Code.

20 SECTION 3. That Section 33-2717A, Idaho Code, be, and the same is hereby  
 21 amended to read as follows:

22 33-2717A. DECLARATION OF INTENT FOR WRITE-IN CANDIDATE. No write-in  
 23 vote for library district trustee in a library district election shall be  
 24 counted unless a declaration of intent has been filed indicating that the  
 25 person desires the office and is legally qualified to assume the duties of  
 26 library trustee if elected. The declaration of intent shall be filed with  
 27 the clerk of the library board ~~not later than forty-five (45) days before the~~  
 28 ~~day of election~~ during the time period provided in section 34-1407, Idaho  
 29 Code.

30 SECTION 4. That Section 34-106, Idaho Code, be, and the same is hereby  
 31 amended to read as follows:

32 34-106. LIMITATION ~~UPON~~ ON ELECTIONS. On and after January 1, 2011,  
 33 notwithstanding any other provisions of the law to the contrary, there shall  
 34 be no more than two (2) elections conducted in any county in any calendar  
 35 year, except as provided in this section or section 34-220, Idaho Code, and  
 36 except that elections to fill vacancies in the United States house of repre-  
 37 sentatives shall be held as provided in the governor's proclamation.

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

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

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

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

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

4 (3) Candidates for office elected in November shall take office as pro-  
5 vided in the constitution or on January 1 next succeeding the November elec-  
6 tion.

7 (4) The governing board of each political subdivision subject to the  
8 provisions of this section that, prior to January 1, 2011, conducted an elec-  
9 tion for members of that governing board on a date other than a date permit-  
10 ted in subsection (1) of this section shall establish as the election date  
11 for that political subdivision the date authorized in subsection (1) of this  
12 section that falls nearest the date on which elections were previously con-  
13 ducted, unless another date is established by law.

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

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

19 (7) Community colleges governed by chapter 21, title 33, Idaho Code,  
20 and school districts are subject to the limitations specified in subsection  
21 (1) of this section, except that school districts may also hold an election  
22 on the last Tuesday in August of each year on bonded indebtedness and prop-  
23 erty tax levy questions.

24 (8) A city initiative or referendum election shall be held on the Tues-  
25 day following the first Monday in November of odd-numbered years. A county  
26 initiative or referendum election or a bond, levy and any other ballot ques-  
27 tion elections conducted by any political subdivision shall be held on the  
28 nearest date authorized in subsection (1) of this section that falls ~~more~~  
29 ~~than sixty (60) days~~ at least ten (10) Fridays after the clerk of the polit-  
30 ical subdivision orders that such election shall be held in May or November  
31 ~~of even-numbered years or more than fifty (50) days after the order for all~~  
32 ~~other elections~~, unless otherwise provided by law. Ballot language for any  
33 question to be placed on the ballot shall be submitted to the county clerk ~~at~~  
34 ~~least sixty (60) days before an election held in May or November of even-num-~~  
35 ~~bered years and at least fifty (50) days before all other elections~~ not later  
36 than 5:00 p.m. on the tenth Friday before the election.

37 (9) Recall elections may be held on any of the three (3) dates autho-  
38 rized in subsections (1) and (7) of this section that fall ~~more than forty-~~  
39 ~~five (45) days~~ at least ten (10) Fridays after the clerk of the political sub-  
40 division orders that such election shall be held.

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

46 SECTION 5. That Section 34-625, Idaho Code, be, and the same is hereby  
47 amended to read as follows:

48 34-625. ELECTION OF HIGHWAY DISTRICT COMMISSIONERS IN SINGLE COUNTY-  
49 WIDE DISTRICTS -- QUALIFICATIONS. (1) In each general election, highway dis-

1 trict commissioners in single countywide districts shall be elected as pro-  
2 vided for in section 40-1404, Idaho Code.

3 (2) No person shall be elected to the office of highway district commis-  
4 sioner unless he shall have attained the age of twenty-one (21) years at the  
5 time of his election, is a citizen of the United States, and shall be a res-  
6 ident of the highway district commissioner's subdistrict for which he seeks  
7 office.

8 (3) Each candidate shall file a declaration of candidacy with the  
9 county clerk ~~not less than ninety (90) days prior to the general election~~  
10 during the time period provided in section 34-1404, Idaho Code. Each dec-  
11 laration of candidacy shall also bear the following words: "I am a resident  
12 within the boundaries of Highway District Commissioner's Subdistrict Number  
13 ....."

14 (4) Each candidate who files a declaration of candidacy shall at the  
15 same time pay a filing fee of ten dollars (\$10.00) which shall be deposited in  
16 the county current expense fund.

17 SECTION 6. That Section 34-625A, Idaho Code, be, and the same is hereby  
18 amended to read as follows:

19 34-625A. ELECTION OF HIGHWAY DISTRICT COMMISSIONERS IN CERTAIN SINGLE  
20 COUNTYWIDE DISTRICTS -- QUALIFICATIONS. (1) In each general election, high-  
21 way district commissioners in single countywide districts shall be elected  
22 as provided for in section 40-1404A, Idaho Code.

23 (2) No person shall be elected to the office of highway district commis-  
24 sioner unless he shall have attained the age of twenty-one (21) years at the  
25 time of his election, is a citizen of the United States, and shall be a res-  
26 ident of the highway district commissioner's subdistrict for which he seeks  
27 office.

28 (3) Each candidate shall file a declaration of candidacy with the  
29 county clerk ~~not less than ninety (90) days prior to the general election~~  
30 during the time period provided in section 34-1404, Idaho Code. Each dec-  
31 laration of candidacy shall also bear the following words: "I am a resident  
32 within the boundaries of Highway District Commissioner's Subdistrict Number  
33 ....."

34 (4) Each candidate who files a declaration of candidacy shall at the  
35 same time pay a filing fee of ten dollars (\$10.00) which shall be deposited in  
36 the county current expense fund.

37 SECTION 7. That Section 34-704, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39 34-704. DECLARATION OF CANDIDACY. (1) Any person legally qualified to  
40 hold such office is entitled to become a candidate and file his declaration  
41 of candidacy. Each political party candidate for precinct, state, district  
42 or county office shall file his declaration of candidacy in the proper of-  
43 fice ~~between 8:00 a.m. on the twelfth Monday preceding the primary election~~  
44 and 5:00 p.m. on the tenth Friday beginning at 8:00 a.m. on the twelfth Mon-  
45 day prior to the primary election and no later than 5:00 p.m. on the tenth  
46 Friday before the election preceding the primary election. All political  
47 party candidates shall declare their party affiliation in their declaration

1 of candidacy and shall be affiliated with a party at the time of filing. A  
 2 candidate shall be deemed affiliated with the political party if the candi-  
 3 date submits a party affiliation form along with the declaration of candi-  
 4 dacy to the filing official. The filing official shall reject any declara-  
 5 tion of candidacy for partisan office in a primary election from candidates  
 6 who are not affiliated with a political party. Candidates for nonpartisan  
 7 office shall file during the period provided for in this section.

8 (2) Candidates who file a declaration of candidacy under a party name  
 9 and are not nominated at the primary election shall not be allowed to appear  
 10 on the general election ballot under any other political party name, ~~nor~~ or  
 11 as an independent candidate.

12 (3) Independent candidates shall file their declaration of candidacy  
 13 in the manner provided in section 34-708, Idaho Code.

14 (4) All information in declarations of candidacy shall be made publicly  
 15 available upon request, except that the Idaho residential street address and  
 16 telephone number of a judicial officer may be exempt from disclosure pur-  
 17 suant to sections ~~19-6002~~ 19-6202 and 74-106(30), Idaho Code.

18 SECTION 8. That Section 34-705, Idaho Code, be, and the same is hereby  
 19 amended to read as follows:

20 34-705. WITH WHOM DECLARATIONS FILED. (1) All candidates for county  
 21 offices, whether political party candidates or independent candidates, and  
 22 all political party candidates for precinct offices shall file their decla-  
 23 rations of candidacy with the county clerk of their respective counties. All  
 24 candidates for district, state and federal offices shall file their declara-  
 25 tions of candidacy with the secretary of state.

26 (2) The secretary of state shall certify to the county clerks, within  
 27 ~~ten (10)~~ seven (7) days after the filing deadline, the names of the political  
 28 party candidates who filed for ~~federal, state and district,~~ state, and fed-  
 29 eral offices and are qualified for placement on the ballot.

30 (3) The secretary of state shall certify the name of a candidate being  
 31 appointed by the appropriate central committee pursuant to section 34-714,  
 32 Idaho Code, by no later than the next business day after the appointment is  
 33 received in the secretary of state's office, if received after the certifi-  
 34 cation of candidates to the county clerks under subsection (2) of this sec-  
 35 tion.

36 SECTION 9. That Section 34-712, Idaho Code, be, and the same is hereby  
 37 amended to read as follows:

38 34-712. SAMPLE FORM FOR PRIMARY ELECTION BALLOTS. The secretary of  
 39 state shall provide the sample form of the primary election ballot to each  
 40 of the county clerks ~~no later than forty (40) days prior to the primary~~ no  
 41 later than the ninth Friday before the primary election. The sample ballot  
 42 shall contain the proper political party candidates to be voted upon within  
 43 the county whose declarations were filed and certified in the office of the  
 44 secretary of state with instructions for the placing of political party  
 45 candidates seeking the political party nomination for county and precinct  
 46 offices. If a county is within more than one (1) legislative district, the

1 secretary of state shall provide a sample ballot for each legislative dis-  
2 trict ~~which~~ that includes part of the county.

3 SECTION 10. That Section 34-717, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 34-717. WITHDRAWAL OF CANDIDACY. (1) A candidate for nomination or  
6 candidate for election to a partisan office may withdraw from the election  
7 by filing a notarized statement of withdrawal with the officer with whom his  
8 declaration of candidacy was filed. The statement must contain all informa-  
9 tion necessary to identify the candidate and the office sought and the reason  
10 for withdrawal. The filing officer shall immediately notify the proper cen-  
11 tral committee of the party, if any, of the individual withdrawing.

12 ~~(2) A candidate may not withdraw later than forty-five (45) days be-~~  
13 ~~fore an election, except in the case of a primary election, when the deadline~~  
14 ~~shall be no later than the eighth Friday preceding the primary election, or~~  
15 ~~a general election, when the deadline shall be no later than September 7 5:00~~  
16 p.m. on the ninth Friday preceding the election. Filing fees paid by the  
17 candidate shall not be refunded.

18 ~~(2)~~ (3) Any candidate who has filed a statement of withdrawal pursuant  
19 to this section shall not be allowed to be appointed to fill a vacancy unless  
20 such vacancy occurs because of the death of a previous candidate.

21 SECTION 11. That Section 34-1205, Idaho Code, be, and the same is hereby  
22 amended to read as follows:

23 34-1205. COUNTY BOARD OF CANVASSERS -- MEETINGS. The county board of  
24 commissioners shall be the county board of canvassers and the county clerk  
25 shall serve as ~~their~~ its secretary for this purpose. The county board of can-  
26 vassers shall meet within ~~seven (7)~~ ten (10) days after a ~~primary election~~  
27 ~~and within ten (10) days after a general~~ an election for the purpose of can-  
28 vassing the election returns of all precincts within the county.

29 SECTION 12. That Section 34-1211, Idaho Code, be, and the same is hereby  
30 amended to read as follows:

31 34-1211. STATE BOARD OF CANVASSERS -- MEETINGS. The secretary of  
32 state, state controller and state treasurer shall constitute the state board  
33 of canvassers. The functions of the board shall be election functions, and  
34 the secretary of state shall be chairman of the board. The state board of  
35 canvassers shall meet within ~~fifteen (15)~~ twenty-one (21) days after the  
36 primary election and within ~~fifteen (15)~~ twenty-one (21) days after the  
37 general election in the office of the secretary of state for the purpose of  
38 canvassing the abstracts of votes cast for all candidates for federal, state  
39 and district offices.

40 SECTION 13. That Section 34-1404, Idaho Code, be, and the same is hereby  
41 amended to read as follows:

42 34-1404. DECLARATION OF CANDIDACY. (1) Candidates for election in any  
43 political subdivision shall be nominated by nominating petitions, each of

1 which shall bear the name of the nominee, the office for which the nomina-  
 2 tion is made, the term for which nomination is made, and the signature of not  
 3 less than five (5) electors of the candidate's specific zone or district of  
 4 the political subdivision, and shall be filed with the clerk of the political  
 5 subdivision.

6 (2) The form of the nominating petition shall be as provided by the  
 7 county clerk and shall be uniform for all political subdivisions.

8 (3) ~~For an election to be held on the third Tuesday in May, in even-num-~~  
 9 ~~bered years, the~~ The nomination petition shall be filed ~~during the period~~  
 10 ~~specified in section 34-704, Idaho Code beginning at 8:00 a.m. on the~~  
 11 ~~twelfth Monday prior to the election and no later than 5:00 p.m. on the tenth~~  
 12 ~~Friday preceding such election.~~ The clerk of the political subdivision  
 13 shall notify the county clerk within twenty-four (24) hours of receipt of the  
 14 filing and verify the qualifications of the nominees and shall, no more than  
 15 seven (7) days after the close of filing, certify the nominees to be placed  
 16 on the ballot of the political subdivision. For an election to be held on the  
 17 first Tuesday after the first Monday of November, in even-numbered years,  
 18 the nomination shall be filed on or before September 1. The clerk of the  
 19 political subdivision shall verify the qualifications of the nominees and  
 20 shall, no more than seven (7) days after the close of filing, certify the nom-  
 21 inees to be placed on the ballot of the political subdivisions. For all other  
 22 elections, the nomination shall be filed not later than 5:00 p.m. on the  
 23 ninth Friday preceding the election for which the nomination is made. The  
 24 clerk of the political subdivision shall verify the qualifications of the  
 25 nominee and shall, no more than seven (7) days following the filing, certify  
 26 the nominees to be placed on the ballot of the political subdivision.

27 ~~(2)~~ (4) Nominating petitions shall include campaign contact informa-  
 28 tion for candidates, including phone numbers and email addresses.

29 ~~(3)~~ (5) All information in nominating petitions shall be made publicly  
 30 available upon request.

31 SECTION 14. That Section 34-1405A, Idaho Code, be, and the same is  
 32 hereby amended to read as follows:

33 34-1405A. WITHDRAWAL OF CANDIDACY. A candidate for nomination or can-  
 34 didate for election to an office may withdraw from the election by filing a  
 35 notarized statement of withdrawal with the officer with whom his declaration  
 36 of candidacy was filed. The statement must contain all information neces-  
 37 sary to identify the candidate and the office sought and the reason for with-  
 38 drawal. A candidate may not withdraw later than ~~forty-six (46) days~~ 5:00  
 39 p.m. on the ninth Friday before an election.

40 SECTION 15. That Section 34-1407, Idaho Code, be, and the same is hereby  
 41 amended to read as follows:

42 34-1407. WRITE-IN CANDIDATES. (1) No write-in candidate for any non-  
 43 partisan elective office shall be counted unless a declaration of intent has  
 44 been filed indicating that the person desires the office and is legally qual-  
 45 ified to assume the duties of the office. The declaration of intent shall be  
 46 filed with the clerk of the political subdivision by no later than 5:00 p.m.  
 47 on the eighth ninth Friday before the date of the election.



1 (2) If the statutes governing elections within a specific political  
 2 subdivision provide that no election shall be held in the event that no more  
 3 than one (1) candidate has filed for an office, that statute shall be inter-  
 4 preted in such a manner as to allow for filing a declaration of intent for a  
 5 write-in candidate until 5:00 p.m. on the eighth ninth Friday preceding the  
 6 election. However, if no candidate has filed within that time, no election  
 7 shall be held for that political subdivision. ~~The provisions of this section~~  
 8 ~~shall not apply to candidates in the primary or general election covered by~~  
 9 ~~the provisions of section 34-702A, Idaho Code.~~

10 SECTION 16. That Section 40-1305C, Idaho Code, be, and the same is  
 11 hereby amended to read as follows:

12 40-1305C. DECLARATION OF CANDIDACY -- QUALIFICATIONS. (1) Candidates  
 13 for election as a highway district commissioner shall be nominated by nomi-  
 14 nating petitions, each of which shall bear the name of the nominee, the sub-  
 15 district for which the nomination is made, the term for which nomination is  
 16 made, bear the signature of ~~not~~ no less than five (5) electors of the candi-  
 17 date's specific subdistrict, and be filed with the election official of the  
 18 highway district. The form of the nominating petition shall be as provided  
 19 by the county clerk. The nomination shall be filed ~~not later than 5:00 p.m.~~  
 20 ~~on the sixth Friday preceding the election for which the nomination is made~~  
 21 during the time period provided in section 34-1404, Idaho Code. ~~The elec-~~  
 22 ~~tion official shall~~ The clerk of the political subdivision shall notify the  
 23 county clerk within twenty-four (24) hours of receipt of the filing and ver-  
 24 ify the qualifications of the nominee, and shall not no more than seven (7)  
 25 days following the filing shall certify the nominees to be placed on the bal-  
 26 lot.

27 (2) A nominee shall qualify for the office of highway district commis-  
 28 sioner if such nominee:

- 29 (a) Has attained the age of twenty-one (21) years at the time of his  
 30 election; and  
 31 (b) Is a citizen of the United States; and  
 32 (c) Is a resident of the highway district commissioner's subdistrict  
 33 for which he seeks office.

34 SECTION 17. That Section 42-3211a, Idaho Code, be, and the same is  
 35 hereby repealed.

36 SECTION 18. That Section 50-407, Idaho Code, be, and the same is hereby  
 37 amended to read as follows:

38 50-407. FORM OF DECLARATION OF CANDIDACY. Declarations of candidacy  
 39 and petitions of candidacy shall read substantially as herein set forth. Any  
 40 number of separate petitions of candidacy may be circulated at the same time  
 41 for any candidate and all petitions for each candidate shall be considered  
 42 one (1) petition when filed with the city clerk. Each signer of a petition  
 43 shall be a registered qualified elector.

DECLARATION OF CANDIDACY

1 I, the undersigned, affirm that I am a qualified elector of the City of
2 ..... State of Idaho, and that I have resided in the city for at least
3 thirty (30) days. I hereby declare myself to be a candidate for the office
4 of ....., for a term of .... years, to be voted for at the election
5 to be held on the .... day of ....., ....., and certify that I possess the
6 legal qualifications to fill said office, and that my residence address is
7 .....
8 .....

9 (Signed) .....

10 Subscribed and sworn to before me this .... day of ....., .....

11 .....

12 Notary Public

13 State of Idaho

14 County of ..... ss.

15 City of .....

PETITION OF CANDIDACY

17 OF .....

18 (NAME OF CANDIDATE)

19 FOR OFFICE OF .....

20 This petition must be filed in the office of the City Clerk ~~not~~ no ear-
21 lier than 8:00 a.m. on the ~~eleventh~~ twelfth Monday ~~not~~ and no later than
22 5:00 p.m. on the ~~ninth~~ tenth Friday immediately preceding election day.
23 The submitted petition must have affixed thereto the names of at least five
24 (5) qualified electors who reside within the appropriate city.

25 I, the undersigned, being a qualified elector of the City of
26 ....., in the State of Idaho, do hereby certify and declare that I
27 reside at the place set opposite my name and that I do hereby join in the pe-
28 tition of ....., a candidate for the office of .....
29 to be voted at the election to be held on the .... day of ....., .....

Table with 4 columns: Signature of Petitioner, Printed Name, Residence Address, Date Signed. Rows 30-40.

1 .....  
2 .....

3 STATE OF IDAHO  
4 County of .....

5 I, ....., being first duly sworn, say: That I am a  
6 resident of the State of Idaho and at least eighteen (18) years of age; that  
7 every person who signed this sheet of the foregoing petition signed his or  
8 her name thereto in my presence; I believe that each has stated his or her  
9 name and residence address correctly; and that each signer is a qualified  
10 elector of the State of Idaho, and the City of .....

11 Signed .....

12 Address .....

13 Subscribed and sworn to before me this ..... day of ....., .....

14 Signed Notary Public .....

15 Residing at .....

16 Commission expires .....

17 (Notary Seal)

18 SECTION 19. That Section 50-410, Idaho Code, be, and the same is hereby  
19 amended to read as follows:

20 50-410. TIME AND MANNER OF FILING DECLARATIONS. (1) All declarations  
21 of candidacy for elective city offices shall be filed with the clerk of the  
22 respective city wherein the elections are to be held ~~not earlier than 8:00~~  
23 ~~a.m. on the eleventh Monday nor later than 5:00 p.m. on the ninth Friday,~~  
24 ~~immediately preceding election day~~ during the time period provided in sec-  
25 tion 34-1404, Idaho Code. Before a candidate files a petition of candidacy  
26 with the city clerk, the petition signatures shall be verified by the county  
27 clerk in the manner described in section 34-1807, Idaho Code, except that the  
28 city clerk shall stand in place of the secretary of state. Before any dec-  
29 laration of candidacy and filing fee or petition of candidacy mentioned in  
30 section 50-407, Idaho Code, can be filed, the city clerk shall ascertain that  
31 it conforms to the provisions of chapter 4, title 50, Idaho Code. ~~The city~~  
32 ~~clerk shall not accept any declarations of candidacy after 5:00 p.m. on the~~  
33 ~~ninth Friday immediately preceding election day.~~ Write-in candidates shall  
34 be governed by section ~~34-702A~~ 34-1407, Idaho Code, ~~but shall file the decla-~~  
35 ~~rations required in that section with the city clerk.~~

36 (2) A person shall not be permitted to file a declaration of candidacy  
37 for more than one (1) office in any city election.

38 SECTION 20. That Section 67-4911, Idaho Code, be, and the same is hereby  
39 amended to read as follows:

40 67-4911. ELECTIONS -- TERMS OF OFFICE. (1) On an election date as pro-  
41 vided for in section 34-106(1), Idaho Code, in May of the first odd-numbered

1 year after the organization of any district, and every second year there-  
2 after, an election shall be held, which shall be known as the biennial elec-  
3 tion of the district.

4 (2) At the first biennial election in any district hereafter organized,  
5 and each sixth year thereafter, there shall be elected by the qualified elec-  
6 tors of the district, one (1) member of the board to serve for a term of six  
7 (6) years; at the second biennial election and each sixth year thereafter,  
8 there shall be elected two (2) members of the board to serve for terms of six  
9 (6) years, and at the third biennial election, and each sixth year there-  
10 after, there shall be elected two (2) members of the board to serve for terms  
11 of six (6) years. Provided, a member of the board once in office shall serve  
12 until his successor is elected, qualified and takes office.

13 (3) ~~Not later than 5:00 p.m. on the ninth Friday before any such elec-~~  
14 ~~tion, nominations may be filed with the secretary of the board. Nominations~~  
15 ~~may be filed during the time period provided in section 34-1404, Idaho Code.~~  
16 The county clerk shall provide for holding such election and shall appoint  
17 judges to conduct it. The county clerk shall give notice of election by pub-  
18 lication, and shall arrange such other details in connection therewith. Ad-  
19 equate polling places shall be provided throughout the district boundaries  
20 for all elections.

21 (4) The returns of the election shall be certified to and shall be  
22 canvassed and declared by the board of county commissioners which shall  
23 report the results to the district. The candidate or candidates, according  
24 to the number of directors to be elected, receiving the most votes, shall  
25 be elected. Any new member of the board shall qualify in the same manner as  
26 members of the first board qualify.

27 (5) In any election for director, if after the deadline for filing a  
28 declaration of intent as a write-in candidate, it appears that the number of  
29 qualified candidates who have been nominated is equal to the number of di-  
30 rectors to be elected, it shall not be necessary for the candidates to stand  
31 for election, and the board shall declare such candidates elected as direc-  
32 tors, and the secretary of the board shall immediately make and deliver to  
33 such persons certificates of election signed by him and bearing the seal of  
34 the district.

35 SECTION 21. An emergency existing therefor, which emergency is hereby  
36 declared to exist, this act shall be in full force and effect on and after  
37 July 1, 2024.