

IN THE SENATE

SENATE BILL NO. 1316

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CEMETERY MAINTENANCE DISTRICTS; AMENDING SECTION 27-111, IDAHO  
2 CODE, TO REVISE A PROVISION REGARDING CEMETERY MAINTENANCE DISTRICT  
3 COMMISSIONER ELECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN  
4 EFFECTIVE DATE.  
5

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

7 SECTION 1. That Section 27-111, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 27-111. ELECTION OF COMMISSIONERS. (1) On the first Tuesday following  
10 the first Monday in November and every odd-numbered year thereafter, three  
11 (3) cemetery maintenance district commissioners shall be elected by the  
12 electors of each cemetery district as defined in section 27-104, Idaho Code.  
13 For commissioners whose offices expire in 2012 and in any even-numbered  
14 year, such commissioners shall remain in office until the next election in an  
15 odd-numbered year. The county clerk shall conduct the election in a manner  
16 consistent with statutory provisions of chapter 14, title 34, Idaho Code.

17 (2) For cemetery maintenance districts consisting of less than ~~one~~  
18 ~~hundred fifty (150)~~ five thousand (5,000) registered electors, the ceme-  
19 tery maintenance district commissioners may be elected at large. For all  
20 other districts, of the commissioners comprising the board at any one time,  
21 not more than one (1) shall be an elector of the same cemetery maintenance  
22 commissioners subdistrict. A commissioner shall be an elector of the sub-  
23 district which he represents at the time of his declaration of candidacy and  
24 during his term of office. A qualified elector of the cemetery maintenance  
25 district shall be eligible to vote for each of the cemetery maintenance  
26 district commissioners. At the first election following the formation of  
27 a cemetery maintenance district, commissioners from cemetery maintenance  
28 subdistricts one (1) and two (2) shall be elected for terms of four (4) years,  
29 and the commissioner from cemetery maintenance subdistrict three (3) shall  
30 be elected for a term of two (2) years; thereafter the term of office of all  
31 commissioners shall be four (4) years. All elections held under this law,  
32 shall be held in conformity with the general laws of the state, including  
33 chapter 14, title 34, Idaho Code.

34 (3) In any election for cemetery maintenance district commissioners,  
35 if, after the expiration of the date for filing a declaration of intent as a  
36 write-in candidate for the office of commissioner, it appears that only one  
37 (1) qualified candidate has been nominated for each position to be filled,  
38 it shall not be necessary to hold an election, and the board of commission-  
39 ers shall declare such candidate elected as commissioner, and the secretary  
40 shall immediately make and deliver to such person a certificate of election  
41 signed by him bearing the seal of the district. The procedure set forth in

1 this subsection shall not apply to any other cemetery maintenance district  
2 election.

3 (4) A cemetery maintenance district created from the consolidation  
4 of two (2) or more cemetery maintenance districts as provided in section  
5 27-129, Idaho Code, may operate with five (5) cemetery maintenance commis-  
6 sioners.

7 SECTION 2. An emergency existing therefor, which emergency is hereby  
8 declared to exist, this act shall be in full force and effect on and after  
9 July 1, 2024.