

IN THE SENATE

SENATE BILL NO. 1394

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO VOTING MACHINES; AMENDING SECTION 18-2306, IDAHO CODE, TO PRO-
2 VIDE THAT TAMPERING WITH A VOTING MACHINE IS A FELONY OFFENSE AND TO
3 MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-2401, IDAHO CODE, TO
4 REMOVE AND REVISE DEFINITIONS AND TO DEFINE A TERM; AMENDING SECTION
5 34-2404, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PROHIBITION ON
6 TAMPERING WITH VOTING MACHINES; AMENDING SECTION 34-2409, IDAHO CODE,
7 TO REVISE PROVISIONS REGARDING THE EXAMINATION OF VOTING MACHINES;
8 AMENDING SECTION 34-2410, IDAHO CODE, TO REVISE PROVISIONS REGARDING
9 SPECIFICATIONS FOR VOTING MACHINES OR VOTE TALLY SYSTEMS; AMENDING SEC-
10 TION 34-2411, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DUTIES OF
11 ELECTION BOARD CLERKS; AMENDING SECTION 34-2415, IDAHO CODE, TO REMOVE
12 PROVISIONS REGARDING THE PREPARATION OF A POLLING PLACE FOR AN ELECTION
13 AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-2416, IDAHO
14 CODE, TO REMOVE PROVISIONS REGARDING THE PROCEDURE FOR PREPARING VOTING
15 MACHINES FOR AN ELECTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING
16 SECTION 34-2418, IDAHO CODE, TO REMOVE PROVISIONS REGARDING BALLOT
17 LABELS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-2420,
18 IDAHO CODE, TO REVISE PROVISIONS REGARDING THE EXAMINATION OF A VOT-
19 ING MACHINE DURING ELECTIONS; REPEALING SECTION 34-2426, IDAHO CODE,
20 RELATING TO THE EXHIBITION OF VOTING MACHINES FOR THE INSTRUCTION OF
21 VOTERS; AMENDING CHAPTER 24, TITLE 34, IDAHO CODE, BY THE ADDITION OF A
22 NEW SECTION 34-2426, IDAHO CODE, TO PROVIDE FOR PUBLIC LOGIC AND ACCU-
23 RACY TESTS; AMENDING SECTION 34-903, IDAHO CODE, TO REVISE TERMINOLOGY;
24 AMENDING SECTION 34-1411, IDAHO CODE, TO PROVIDE A CORRECT CODE REFER-
25 ENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
26

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

28 SECTION 1. That Section 18-2306, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 18-2306. ILLEGAL VOTING OR -- INTERFERENCE WITH ELECTION -- TAMPER-
31 ING WITH VOTING MACHINES OR VOTE TALLY SYSTEMS. Every person not entitled to
32 vote, who fraudulently votes, and every person who votes more than once at
33 any one election, or knowingly hands in two (2) or more tickets folded to-
34 gether, or changes any ballot after the same has been deposited in the bal-
35 lot box, or adds, or attempts to add, any ballot to those legally polled at
36 any election, either by fraudulently introducing the same into the ballot
37 box before or after the ballots therein have been counted, or adds to or mixes
38 with, or attempts to add to or mix with, the ballots lawfully polled, other
39 ballots, while the same are being counted or canvassed, or at any other time,
40 with intent to change the result of such election; or carries away or de-
41 stroy, or attempts to carry away or destroy, any poll list, or ballots, or
42 ballot box, for the purpose of breaking up or invalidating such election, or

1 ~~wilfully willfully~~ detains, mutilates, or destroys any election returns, or
 2 in any manner so interferes with the officers holding such election or con-
 3 ducting such canvass, or with the voters lawfully exercising their rights
 4 of voting at such election, as to prevent such election or canvass from be-
 5 ing fairly held and lawfully conducted, or who violates the provisions of
 6 section 34-2404(1) or (2), Idaho Code, by tampering with a voting machine or
 7 vote tally system, is guilty of a felony.

8 SECTION 2. That Section 34-2401, Idaho Code, be, and the same is hereby
 9 amended to read as follows:

10 34-2401. DEFINITIONS. As used in this chapter:

11 (1) "Ballot" means any material used or the voting surface of a direct
 12 recording electronic system on which votes are cast for offices, candidates
 13 and measures.

14 (2) "Ballot card" means the tabulating card or cards of any size upon
 15 which the voter records his vote.

16 ~~(3) "Ballot label" means the cards, papers, booklet or other material~~
 17 ~~containing the names of offices and candidates and measures to be voted on.~~

18 ~~(4)~~ (3) "Election" means all state, county, city, district and other
 19 political subdivision elections including bond issue elections.

20 ~~(5)~~ (4) "Governing body" means the board of county commissioners of any
 21 county or the governing body of any city, district or other political subdi-
 22 vision elections including bond issue elections.

23 ~~(6)~~ (5) "Measure" means a proposed law, act or part of an act of the
 24 legislative assembly or amendment to the constitution of the state of Idaho
 25 to be submitted to the people for their approval or rejection at an elec-
 26 tion. "Measure" also means other propositions ~~which that~~ can be submitted to
 27 the voters at any election by counties, cities, districts or other political
 28 subdivisions.

29 ~~(7) "Model" means a mechanically operated model of a portion of the face~~
 30 ~~of the machine illustrating the means of voting.~~

31 ~~(8)~~ (6) "Precinct" includes all election districts.

32 (7) "Vote tally system" means the total combination of equipment, in-
 33 cluding hardware, firmware, software, materials, and documentation, used to
 34 perform the following functions of an election:

35 (a) To define or read ballots and verify accuracy;

36 (b) To mark, scan, and count ballots;

37 (c) To report or produce election results; and

38 (d) To maintain and produce any audit trail information.

39 ~~(9)~~ (8) "Voting machine" means:

40 (a) Any mechanical or electronic device ~~which that~~ will record every
 41 vote cast by any voter on candidates and measures and ~~which that~~ will ei-
 42 ther internally or externally total all votes cast on that device; or

43 (b) Any device into which a ballot card may be inserted and ~~which that~~ is
 44 so designed and constructed that the vote for any candidate or measure
 45 may be indicated by ~~punching or~~ marking the ballot card.

46 ~~(10) "Vote tally system" means one (1) or more pieces of machinery or~~
 47 ~~equipment necessary to examine and tally automatically paper ballots having~~
 48 ~~marks placed thereon by a written mark or by a marking stamp. The examination~~
 49 ~~shall be accomplished by either mark sensing or optical scanning.~~

1 SECTION 3. That Section 34-2404, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 34-2404. TAMPERING WITH MACHINES PROHIBITED. (1) No person shall:
4 (a) Tamper with or injure or attempt to injure any voting machine or
5 vote tally system to be used or being used in an election;
6 (b) Tamper with any voting machine or vote tally system that has been
7 used in an election; or
8 (c) Prevent or attempt to prevent the correct operation of any voting
9 machine or vote tally system.

10 (2) ~~An~~ No unauthorized person shall ~~not~~ make or have in his possession a
11 key to a voting machine to be used or being used in an election.

12 (3) The secretary of state may authorize access to voting machines or
13 vote tally systems with consent of the county clerk for the purposes of test-
14 ing, inspection, maintenance, or any other reason deemed necessary by the
15 secretary of state. Such authorization shall be in writing.

16 ~~(3)~~ (4) Neither the secretary of state nor any officer or employee
17 of any county, city, district or other political subdivision using voting
18 machines or vote tally systems, shall solicit or accept any compensation,
19 other than amounts paid by the governmental unit, in connection with the
20 sale, lease or use of voting machines or vote tally systems.

21 SECTION 4. That Section 34-2409, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 34-2409. EXAMINATION OF MACHINES BY SECRETARY OF STATE PRIOR TO
24 ~~ADOPTION~~ CERTIFICATION. (1) The secretary of state shall publicly examine
25 all makes of voting machines or vote tally systems submitted to him and de-
26 termine whether the machines or vote tally systems comply with the require-
27 ments of this chapter, and can safely be used by voters at elections under
28 the provisions of this chapter. ~~Any voting machine or vote tally system~~ All
29 voting machines or vote tally systems shall be certified by the secretary of
30 state for use in Idaho. Except for functions or capabilities unique to this
31 state, voting machines and vote tally systems shall be tested ~~and the results~~
32 ~~certified by an independent testing authority designated by the secretary of~~
33 ~~state prior to certification by a voting system testing laboratory prior to~~
34 the examination of voting machines and vote tally systems by the secretary
35 of state.

36 (2) Any person owning or interested in a voting machine or vote tally
37 system may submit it to the secretary of state for examination. No examina-
38 tion shall be conducted unless documentation is provided indicating that the
39 voting machine or vote tally system meets ~~the federal election commission~~
40 ~~standards~~ United States election assistance commission guidelines. For the
41 purpose of assistance in examining the machine or vote tally system, the sec-
42 retary of state may employ not more than three (3) individuals who are expert
43 in one (1) or more of the fields of data processing, mechanical engineering,
44 and public administration. The compensation of these assistants shall be
45 paid by the person submitting the machine or vote tally system.

46 (3) Within thirty (30) days after completing the examination ~~and ap-~~
47 ~~proval~~ of any voting machine or vote tally system, the secretary of state
48 shall make and file in his office his report and determination of certifica-

1 tion on the machine or vote tally system, together with a written or printed
 2 description and drawings ~~and or~~ or photographs clearly identifying the machine
 3 or vote tally system and the operation thereof. As soon as practicable after
 4 such filing, the secretary of state upon request shall send a copy of the re-
 5 port to any governing body within the state.

6 (4) Any voting machine or vote tally system that receives the ~~approval~~
 7 certification of the secretary of state may be used for conducting elections
 8 in this state. Any machine or vote tally system that does not receive such
 9 ~~approval certification~~ shall not be adopted for or used at any election. Af-
 10 ter a voting machine or vote tally system has been ~~approved~~ certified by the
 11 secretary of state, any change or improvement in the machine or vote tally
 12 system that does not impair its accuracy, efficiency, or capacity shall not
 13 render necessary a reexamination or ~~reapproval~~ recertification of the ma-
 14 chine or vote tally system.

15 (5) Any voting system, including paper ballots, that was used in the
 16 2004 general election shall be continued to be authorized for use as long
 17 as the voting system meets the requirements of the "Help America Vote Act of
 18 2002," Public Law 107-252.

19 (6) For all elections conducted after 2004, no direct recording elec-
 20 tronic voting device shall be used unless the direct recording electronic
 21 voting device has a voter verifiable paper audit trail. Any certifications
 22 of a direct recording electronic voting device without a voter verifiable
 23 paper audit trail are hereby declared null and void.

24 (7) The secretary of state may periodically review the various voting
 25 systems that have been certified for use in the state to ensure such systems
 26 meet the ~~standards~~ guidelines set forth by the ~~federal~~ United States elec-
 27 tion assistance commission and the national institute of standards and tech-
 28 nology. Any voting system that does not meet such ~~standards~~ guidelines may
 29 be decertified after a public hearing.

30 SECTION 5. That Section 34-2410, Idaho Code, be, and the same is hereby
 31 amended to read as follows:

32 34-2410. SPECIFICATIONS FOR VOTING MACHINES OR VOTE TALLY SYS-
 33 TEMS. (1) No voting machine or vote tally system shall be approved by the
 34 secretary of state unless it is constructed so that it:

35 (a) Secures to the voter secrecy in the act of voting.

36 (b) Provides ~~facilities for voting for the~~ opportunity for voters to
 37 vote for candidates of as many political parties or organizations as may
 38 make nominations and for or against as many measures as may be submit-
 39 ted.

40 (c) Permits the voter to vote for any person for any office and upon any
 41 measure that he has the right to vote for.

42 (d) Permits the voter, except at primary elections, to vote for all
 43 the candidates of one (1) party or in part for the candidates of one (1)
 44 party and in part for the candidates of one (1) or more other parties.

45 (e) Permits the voter to vote for as many persons for an office as he is
 46 lawfully entitled to vote for but no more.

47 (f) Prevents the voter from voting for the same person more than once
 48 for the same office.

1 (g) Correctly registers or records all votes cast for any and all per-
2 sons and for or against any and all measures.

3 ~~(h) Can be adjusted so that the counting mechanism rejects any vote cast~~
4 ~~on the tabulating card in excess of the number which the voter is enti-~~
5 ~~tled to vote. Can reject any vote cast in excess of the number that the~~
6 voter is entitled to vote, which shall be considered an overvote.

7 (i) Provides that a vote for more than one (1) candidate cannot be cast
8 by one (1) single operation of the machine or vote tally system.

9 (2) A vote tally system shall be:

10 (a) Capable of correctly counting votes on ballots or ballot cards on
11 which the proper number of votes have been marked for any office or ques-
12 tion or issue that has been voted.

13 (b) Capable of ignoring the votes marked for any office or question or
14 issue where more than the allowable number of votes have been marked,
15 but shall correctly count the properly voted portions of the ballot
16 card.

17 (c) Capable of accumulating a count of the specific number of ballots or
18 ballot cards tallied for a precinct, accumulating total votes by a can-
19 didate for each office, and accumulating total votes for and against
20 each question and issue of the ballots or ballot cards tallied for a
21 precinct.

22 (d) Capable of tallying votes from ballots or ballot cards of differ-
23 ent political parties, from the same precinct, in the case of a primary
24 election.

25 (e) Capable of accommodating rotation of candidates' names on the bal-
26 lot or ballot card, provided that all ballots or ballot cards from one
27 (1) precinct shall be of the same rotation sequence.

28 (f) Capable of automatically producing precinct totals in either
29 printed, marked, or punched digital form, or combinations thereof.

30 (3) No vote tally system shall be connected to the internet at any time,
31 and no vote tally system shall receive or transmit data through wireless
32 communications. The provisions of this subsection shall not apply to elec-
33 tronic poll books authorized pursuant to section 34-1106A, Idaho Code.

34 SECTION 6. That Section 34-2411, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 34-2411. DUTIES OF CLERKS OF ELECTION BOARDS. (1) The secretary of
37 state shall issue an administrative order outlining the duties of each of the
38 clerks on the election board. He shall devise and prescribe for use by each
39 local election officer the contents, form, character and kinds of ballots,
40 ~~ballot labels,~~ ballot cards, formats, records, papers and documents and
41 other materials and supplies and procedures necessary in the use of voting
42 machines or vote tally systems and in the process of counting and tabulating
43 the ballots by mechanical or electrical counting devices or equipment or
44 computers.

45 (2) The secretary of state shall prescribe rules ~~and regulations~~ to
46 achieve and maintain the maximum degree of correctness, impartiality, and
47 efficiency on the procedures of voting, and of counting, tabulating, and
48 recording votes, by the devices, machines or vote tally systems and methods
49 provided by this ~~act~~ chapter.

1 SECTION 7. That Section 34-2415, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 34-2415. PREPARATION OF POLLING PLACE FOR ELECTION. (1) The election
4 board of each election precinct in which a voting machine is to be used shall
5 meet at the polling place for the election precinct at least thirty (30) min-
6 utes before the time set for opening the polls. Before preparing the machine
7 for voting, the election board shall ~~proceed as prescribed in subsection (2)~~
8 ~~of this section.~~

9 ~~(2) The election board shall:~~

10 ~~(a) Cause cause the voting machine to be placed where it can be conve-~~
11 ~~niently attended by the election board and conveniently operated by the~~
12 ~~voters and where the ballot labels on the machines can be plainly seen by~~
13 ~~the election board and the public when not being voted on.~~

14 ~~(b) Cause the model to be placed where each voter can conveniently op-~~
15 ~~erate it and receive instructions on the model as to the manner of voting~~
16 ~~before entering the voting machine booth.~~

17 ~~(c) Determine that the ballot labels are in the proper place on the ma-~~
18 ~~chine.~~

19 ~~(3) (2) After performing their its duties as provided in this section,~~
20 the election board shall certify to the fact in the appropriate places in the
21 poll book.

22 SECTION 8. That Section 34-2416, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 34-2416. PROCEDURE FOR PREPARING MACHINES FOR AN ELECTION. (1) In
25 preparing a voting machine for an election, the county clerk or the clerk of
26 the city, district or other political subdivision, as the case may be, shall:

27 (a) Arrange the machine ~~and the ballot labels~~ so that it shall in ev-
28 ery particular case meet the requirements of voting and counting at such
29 elections; ~~and~~

30 (b) Thoroughly inspect and test the machine, ~~and file a certificate in~~
31 ~~his office that the ballot labels have been properly arranged.~~

32 ~~(2) The arrangement of offices and names of candidates upon the ballot~~
33 ~~labels shall conform as nearly as practicable to the provisions of law for~~
34 ~~the arrangement of names on paper ballots, and in the event that there are~~
35 ~~more candidates for any office than can be placed upon one (1) page, the la-~~
36 ~~bels shall be clearly marked to indicate that the names of candidates for the~~
37 ~~office are continued on the following page.~~

38 ~~(3) (2) Representatives of political parties and candidates shall be~~
39 permitted to examine the voting machines or vote tally systems.

40 SECTION 9. That Section 34-2418, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 34-2418. BALLOTS AND BALLOT LABELS. (1) The ballots ~~and ballot labels~~
43 required to be furnished for general or special elections shall be printed
44 in black ink on clear white material of such size and arrangements as to suit
45 the construction of the machine. The ballot ~~labels~~ for measures may contain
46 a condensed statement of purpose for each measure to be voted on, accompanied

1 by the words "Yes" and "No." The title of the offices on the ballot ~~labels~~
 2 shall be printed in type as large as the space for the office will reasonably
 3 permit. Where more than one (1) candidate can be voted for an office, there
 4 shall be printed below the office title words indicating the number the voter
 5 is lawfully entitled to vote for out of the whole number of candidates, such
 6 as "Vote for Two."

7 (2) The ballots ~~and ballot labels~~ required to be furnished for primary
 8 elections may be of different colors for the political parties who are nomi-
 9 nating or electing candidates.

10 (3) The "judiciary ballot" may be added to the ballot ~~labels~~ for the po-
 11 litical parties. Candidates for the above offices will be shown under the
 12 general title of nonpartisan judicial candidates.

13 (4) When a vote tally system is used, the county clerk shall prepare the
 14 ballots as nearly as practicable as required by law.

15 SECTION 10. That Section 34-2420, Idaho Code, be, and the same is hereby
 16 amended to read as follows:

17 34-2420. EXAMINATIONS OF ~~FACE-OF~~ MACHINE DURING ELECTION. The elec-
 18 tion board shall occasionally examine the ~~face-of-the~~ voting machine and the
 19 ~~ballot labels~~ ballots to determine that the machine and the ~~ballot labels~~
 20 ballots have not been damaged or tampered with.

21 SECTION 11. That Section [34-2426](#), Idaho Code, be, and the same is hereby
 22 repealed.

23 SECTION 12. That Chapter 24, Title 34, Idaho Code, be, and the same is
 24 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 25 ignated as Section 34-2426, Idaho Code, and to read as follows:

26 34-2426. PUBLIC LOGIC AND ACCURACY TESTS. (1) Each county clerk shall
 27 hold a public logic and accuracy test prior to election day to demonstrate
 28 to the public that the vote tally system is accurately reading and tabulat-
 29 ing votes cast. Each county clerk utilizing a voting machine shall conduct
 30 internal election setup testing to ensure electronic vote tally system func-
 31 tionality and accuracy.

32 (2) Public notice shall be published on the county's official website,
 33 if the county maintains a website, or shall be posted within the office of the
 34 county clerk at least ten (10) days prior to the commencement of the public
 35 test.

36 (3) The county clerk shall adopt procedures for testing that ensure the
 37 vote tally system can:

38 (a) Verify that each contest position and ballot style on the ballot can
 39 be voted and is accurately counted;

40 (b) Include overvotes and undervotes for each race, if applicable to
 41 the system being tested;

42 (c) Include write-in votes, when applicable to the election;

43 (d) Determine expected test outcomes depending on marking pattern ap-
 44 plied;

45 (e) Produce a zero report during the logic and accuracy test to show
 46 that no ballots have been cast and no votes have been tabulated; and

1 (f) Allow the county clerk to observe the tabulation of all ballots and
2 compare the actual results to the expected results.

3 (4) A logic and accuracy test is successful if the actual results are
4 identical to the expected results. In the event a test produces different
5 results from the expected results, the county clerk shall investigate the
6 cause of the variance and repeat the test until accurate results are pro-
7 duced.

8 (5) Upon completion of a successful test, the county clerk shall de-
9clare the public logic and accuracy test complete.

10 SECTION 13. That Section 34-903, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 34-903. SECRETARY OF STATE TO PRESCRIBE FORM AND CONTENTS OF ALL BAL-
13 LOTS AND RELATED DOCUMENTS. (1) The secretary of state shall, in a manner
14 consistent with the election laws of this state, prescribe the form for
15 all ballots, absentee ballots, diagrams, sample ballots, ~~ballot labels,~~
16 voting machine labels or booklets, certificates, notices, declarations of
17 candidacy, affidavits of all types, lists, applications, poll books, tally
18 sheets, registers, rosters, statements, and abstracts if required by the
19 election laws of this state.

20 (2) The secretary of state shall prescribe the arrangement of the mat-
21ter to be printed on each kind of ballot and label, including:

22 (a) The placement and listing of all offices, candidates and issues
23 upon which voting is statewide, which shall be uniform throughout the
24 state.

25 (b) The listing of all other candidates required to file with him, and
26 the order of listing all offices and issues upon which voting is not
27 statewide.

28 (3) The names of candidates for legislative or special district offices
29 shall be printed only on the ballots ~~and ballot labels~~ furnished to voters of
30 such district.

31 (4) (a) The names of candidates that appear on election ballots for fed-
32 eral, state, county, and city offices shall be rotated in the manner de-
33 termined by the secretary of state.

34 (b) The names of candidates that appear on election ballots for other
35 offices shall be rotated in the manner determined by the secretary of
36 state for any political entity whose number of registered voters at the
37 last general election exceeds one hundred thousand (100,000).

38 (c) The order of candidates for office in all other elections shall be
39 determined by applying the first letter of each candidate's last name
40 to a random alphabet selected prior to each election by the secretary of
41 state.

42 (5) No candidate's name may appear on a ballot for more than one (1) par-
43 tisan office or one (1) judicial office, except that a candidate for precinct
44 committeeman may seek one (1) additional office upon the same ballot. The
45 provisions of this subsection shall not apply to the election of electors of
46 president and vice president of the United States.

47 SECTION 14. That Section 34-1411, Idaho Code, be, and the same is hereby
48 amended to read as follows:

1 34-1411. PAYMENT OF ELECTION EXPENSES BY COUNTY. (1) On and after Jan-
2 uary 1, 2011, no county shall charge any taxing district, as defined in sec-
3 tion 63-201, Idaho Code, for expenses associated with conducting any elec-
4 tion on behalf of any taxing district, with the exception of expenses associ-
5 ated with conducting municipal runoff elections, which shall be paid by the
6 city adopting runoff elections pursuant to the provisions of section 50-612
7 or 50-707B, Idaho Code. Expenses associated with conducting taxing district
8 elections shall include:

9 (a) Costs of ballot preparation, distribution, printing and counting,
10 including absentee ballots.

11 (b) Costs of printing poll books and costs of tally books, stamps, signs
12 and any other voting supplies, publications and equipment.

13 (c) Wages or other compensation for election judges and clerks or any
14 county employees or officials performing duties associated with con-
15 ducting taxing district elections.

16 (d) Costs paid for renting polling facilities.

17 (e) Acquisition, repair, maintenance or any other costs associated
18 with voting machines or vote tally systems as defined in ~~subsections (9)-~~
19 ~~and (10) of section 34-2401, Idaho Code.~~

20 (f) Costs of publishing and printing election notices and ballots.

21 (2) Counties shall not be responsible for any election expenses prior
22 to the time any taxing district orders an election, such as notice and costs
23 for public hearings and notice and costs for public hearings on ballot mea-
24 sures.

25 (3) Notwithstanding the provisions of subsection (1) of this section,
26 all ballot questions shall be limited to two hundred fifty (250) words or
27 less. If a ballot question is in excess of two hundred fifty (250) words, the
28 entity proposing a ballot question that is not a state constitutional amend-
29 ment shall be required to pay the ballot printing costs associated with the
30 ballot question.

31 SECTION 15. An emergency existing therefor, which emergency is hereby
32 declared to exist, this act shall be in full force and effect on and after
33 July 1, 2024.