

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 2

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 34-1811, IDAHO CODE, TO REVISE A
2 PROVISION REGARDING THE VOTING THRESHOLD FOR STATEWIDE INITIATIVE PE-
3 TITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1813,
4 IDAHO CODE, TO REVISE A PROVISION REGARDING THE VOTING THRESHOLD FOR
5 STATEWIDE INITIATIVE PETITIONS AND TO REMOVE OBSOLETE LANGUAGE; AND
6 DECLARING AN EMERGENCY.
7

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

9 SECTION 1. That Section 34-1811, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 34-1811. MANNER OF VOTING -- PROCEDURE WHEN CONFLICTING MEASURES AP-
12 PROVED. The manner of voting ~~upon~~ on measures submitted to the people shall
13 be the same as is now or may be required and provided by law; no measure shall
14 be adopted unless it shall receive ~~an affirmative majority~~ at least sixty
15 percent (60%) of the aggregate number of votes cast on such measure for an
16 initiative and an affirmative majority of the aggregate number of votes
17 cast on such measure for a referendum. If two (2) or more conflicting laws
18 shall be approved by the people at the same election, the law receiving the
19 greatest number of affirmative votes shall be paramount in all particulars
20 as to which there is a conflict, even though such law may not have received
21 the greatest majority of affirmative votes. If two (2) or more conflicting
22 amendments to the constitution shall be approved by the people at the same
23 election, the amendment ~~which~~ that receives the greatest number of affir-
24 mative votes shall be paramount in all particulars as to which there is a
25 conflict, even though such amendment may not have received the greatest ma-
26 jority of affirmative votes.

27 SECTION 2. That Section 34-1813, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 34-1813. COUNTING, CANVASSING AND RETURN OF VOTES -- EFFECTIVE
30 DATES. (1) The votes on ~~measures and questions~~ each initiative and refer-
31 endum shall be counted, canvassed, and returned by the regular boards of
32 judges, clerks, and officers, as votes for candidates are counted, can-
33 vassed, and returned, and the abstract made by the several county auditors
34 of votes on ~~measures~~ each initiative and referendum shall be returned to the
35 secretary of state on separate abstract sheets in the manner provided for
36 abstract of votes for state and county officers. It shall be the duty of the
37 secretary of state, in the presence of the governor, to proceed within thirty
38 (30) days after the election, and sooner if the returns be all received, to
39 canvass the votes given for each ~~measure~~ initiative and referendum, and the
40 governor shall forthwith issue his proclamation, ~~giving~~ the whole number

1 of votes cast in the state for and against ~~such measure and question each~~
2 ~~initiative and referendum and declaring such measures as are approved by a~~
3 ~~majority of those voted thereon to approved an initiative that has received~~
4 ~~at least sixty percent (60%) of the aggregate number of votes cast and a ref-~~
5 ~~erendum that has received an affirmative majority of the aggregate number of~~
6 ~~votes cast. An initiative or referendum so approved shall be in full force~~
7 ~~and effect as the law of the state of Idaho from the effective date provided~~
8 ~~in the initiative or referendum, or, if no effective date is provided, from~~
9 ~~the date of said the governor's proclamation for any referendum measure.~~
10 ~~The effective date for an initiative measure shall be governed by the provi-~~
11 ~~sions of subsection (2) of this section. If two (2) or more measures shall~~
12 ~~be initiatives or referendums are approved at said election which that are~~
13 ~~known to conflict with each other or to contain conflicting provisions, he~~
14 ~~the governor shall also proclaim which is paramount in accordance with the~~
15 ~~provisions of sections 34-1801 through 34-1822, Idaho Code.~~

16 ~~(2) (a) A statewide initiative may contain an effective date, if passed,~~
17 ~~that shall be no earlier than July 1 of the year following the vote on the~~
18 ~~ballot initiative. If no effective date is specified in the petition,~~
19 ~~the effective date of a statewide initiative that has been approved by~~
20 ~~the electorate shall be July 1 of the following year.~~

21 ~~(b) (2) A city or county initiative may contain an effective date, if~~
22 ~~passed, that may be earlier than July 1 of the year following the vote on the~~
23 ~~ballot city or county initiative, but no earlier than the mayor's proclama-~~
24 ~~tion as provided in section 34-1801B, Idaho Code, or the proclamation by the~~
25 ~~board of county commissioners, as provided in section 34-1801C, Idaho Code.~~
26 ~~If no effective date is specified in the petition, the effective date of a~~
27 ~~city or county initiative that has been approved by the electorate shall be~~
28 ~~July 1 of the following year.~~

29 SECTION 3. An emergency existing therefor, which emergency is hereby
30 declared to exist, this act shall be in full force and effect on and after its
31 passage and approval.