

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 114

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 34-714, IDAHO CODE, TO REVISE PROVI-
2 SIONS REGARDING THE FILLING OF VACANCIES OF POLITICAL PARTY CANDIDATES,
3 TO PROVIDE FOR CERTAIN VACANCIES THAT ARE NOT FILLED, AND TO MAKE TECH-
4 NICAL CORRECTIONS; REPEALING SECTION 34-715, IDAHO CODE, RELATING TO
5 THE FILLING OF VACANCIES OCCURRING BEFORE OR AFTER A PRIMARY ELECTION;
6 AMENDING SECTION 34-717, IDAHO CODE, TO REVISE PROVISIONS REGARDING
7 A WITHDRAWAL OF CANDIDACY AND TO PROVIDE FOR INDEPENDENT CANDIDATES;
8 AMENDING SECTION 34-909, IDAHO CODE, TO PROVIDE A CORRECT CODE REFER-
9 ENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
10

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

12 SECTION 1. That Section 34-714, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 34-714. FILLING VACANCIES IN SLATE OF POLITICAL PARTY CANDIDATES
15 OCCURRING PRIOR TO PRIMARY ELECTION.

16 (1) (a) Vacancies that occur before ~~the primary an~~ an election in the slate
17 of candidates of any political party because of the death, or ~~or~~ disqual-
18 ification for any reason, ~~or withdrawal from the nomination process by~~
19 ~~the candidate,~~ shall be filled in the following manner if there is only
20 one (1) candidate ~~declared~~ from that political party for that particu-
21 lar office:

22 ~~(a) (i)~~ (i) By the county central committee if the vacancy occurs for
23 the office of precinct committeeman or for a county office.

24 ~~(b) (ii)~~ (ii) By the legislative district central committee if the va-
25 cancy occurs for the office of state representative or state sena-
26 tor.

27 ~~(c) (iii)~~ (iii) By the state central committee if the vacancy occurs for
28 a federal or state office.

29 (b) The county and legislative district proper central committee shall
30 fill the vacancy within fifteen (15) days from the date the vacancy oc-
31 curring or no later than five (5) days prior to the date by which absentee
32 ballots must be mailed to voters requesting such ballots for the next
33 election for the particular office, whichever occurs first. The state
34 central committee shall fill the vacancy within thirty (30) days from
35 the date the vacancy occurred.

36 (c) Any political party candidate so appointed by the proper central
37 committee must, in order to have his name on the primary or general elec-
38 tion ballot, file a declaration of candidacy and pay the required fil-
39 ing fee by no later than the day prior to when absentee ballots must be
40 mailed to voters requesting such ballots for the next election for the
41 particular office.

1 ~~(2) No central committee shall fill any vacancy which occurs within ten~~
 2 ~~(10) days prior to the primary election. Vacancies which occur during this~~
 3 ~~ten (10) day period because of the death, disqualification for any reason,~~
 4 ~~or withdrawal from the nomination process by the candidate shall be filled~~
 5 ~~according to the provisions of section 34-715, Idaho Code.~~

6 (2) The name of the candidate for any vacancy filled pursuant to sub-
 7 section (1) of this section both fewer than fifty (50) days before a primary
 8 election and at least fifty (50) days prior to a general election shall ap-
 9 pear on the general election ballot, but not the primary election ballot,
 10 which shall retain the original candidate's name, but for which a tally of
 11 primary election votes need not be made.

12 (3) Vacancies that occur in a slate of candidates for precinct commit-
 13 teeman ~~within ten (10) fewer than fifty (50) days prior to the primary elec-~~
 14 ~~tion shall not be filled.~~

15 (4) Any vacancies in a slate of candidates for any partisan office ex-
 16 cept precinct committeeman that are not filled by fifty (50) days prior to
 17 a general election shall not be filled, and the name of the dead or disqual-
 18 ified candidate shall remain on the ballot. If the general election is won
 19 by the dead or disqualified candidate, the resulting vacancy shall be filled
 20 pursuant to chapter 9, title 59, Idaho Code.

21 SECTION 2. That Section [34-715](#), Idaho Code, be, and the same is hereby
 22 repealed.

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

25 34-717. WITHDRAWAL OF CANDIDACY. (1) A Except as provided in subsec-
 26 tion (3) of this section, a candidate for nomination or candidate for elec-
 27 tion to a partisan office may withdraw from the primary election by filing a
 28 notarized statement of withdrawal with the officer with whom his declaration
 29 of candidacy was filed. The statement must contain all information neces-
 30 sary to identify the candidate and the office sought and the reason for with-
 31 drawal. The filing officer shall immediately notify the proper central com-
 32 mittee of the party, if any, of the individual withdrawing. A candidate may
 33 not withdraw later than forty-five (45) fifty (50) days before an election,
 34 except in the case of a primary election, when the deadline shall be no later
 35 than the eighth Friday preceding the primary election, or a general elec-
 36 tion, when the deadline shall be no later than September 7; provided however,
 37 that a candidate for partisan office may not withdraw after the filing dead-
 38 line for candidates whose names will appear on the primary election ballot
 39 if the candidate is that political party's only candidate for the office for
 40 which the candidate is filed. Filing fees paid by the candidate shall not be
 41 refunded.

42 (2) Any candidate who has filed a statement of withdrawal pursuant to
 43 this section shall not be allowed to be appointed to fill a vacancy unless
 44 such vacancy occurs because of the death of a previous candidate.

45 (3) Independent candidates may withdraw from the general election by
 46 filing a notarized statement of withdrawal with the secretary of state by no
 47 later than September 7. The statement must contain all information neces-

1 sary to identify the candidate, the office sought, and the reason for with-
2 drawal. Filing fees paid by the candidate shall not be refunded.

3 SECTION 4. That Section 34-909, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 34-909. GENERAL ELECTION SAMPLE BALLOTS FORWARDED TO COUNTIES BY SEC-
6 RETARY OF STATE. (1) The secretary of state, no later than September 7, shall
7 provide the necessary general election sample ballot layout to each of the
8 county clerks.

9 (2) The sample ballot layout shall contain the proper office titles,
10 order of offices and ballot layout for the general election, with instruc-
11 tions for placement of candidates seeking election for federal, state,
12 legislative, county and precinct offices and candidates seeking judicial
13 office or retention. If a county is within more than one (1) legislative
14 district, the secretary of state shall provide instructions on the require-
15 ments for a separate ballot for each legislative district that is within the
16 county.

17 (3) The secretary of state shall certify to the county clerks the names
18 and political party of the candidates qualified for placement on the general
19 election ballot for all federal, state and legislative district offices on
20 the sample ballots, along with any judicial candidates, by no later than the
21 ninth Friday prior to the general election.

22 (4) The secretary of state shall certify the name of a candidate be-
23 ing appointed by the appropriate central committee as provided by section
24 ~~34-715~~ 34-714, Idaho Code, by no later than the next business day after the
25 appointment is received in the secretary of state's office, if received af-
26 ter the certification of candidates to the county clerks under subsection
27 (3) of this section.

28 SECTION 5. An emergency existing therefor, which emergency is hereby
29 declared to exist, this act shall be in full force and effect on and after
30 July 1, 2025.