

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 324

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO UNITED STATES SENATORS; AMENDING SECTION 59-910, IDAHO CODE, TO  
2 REVISE A PROVISION REGARDING HOW THE VACANCY OF A UNITED STATES SENA-  
3 TOR IS FILLED; AMENDING SECTION 34-106, IDAHO CODE, TO PROVIDE FOR THE  
4 UNITED STATES SENATE; AND DECLARING AN EMERGENCY AND PROVIDING AN EF-  
5 FECTIVE DATE.  
6

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

8 SECTION 1. That Section 59-910, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 59-910. UNITED STATES SENATOR -- VACANCIES, HOW FILLED. Whenever any  
11 vacancy shall occur in the office of United States senator from the state  
12 of Idaho by death, resignation or otherwise, the governor shall ~~have the~~  
13 ~~power and is hereby authorized and empowered to fill such vacancy by appoint-~~  
14 ~~ment, and the person so appointed shall hold such office until such time as~~  
15 ~~a United States senator is regularly elected to fill such vacancy, at the~~  
16 ~~next succeeding general election, and qualifies by virtue of such election:~~  
17 ~~provided, however, that in case a vacancy occurs in the position of United~~  
18 ~~States senator from the state of Idaho within thirty (30) days of any general~~  
19 ~~election, no election for United States senator to fill said vacancy shall~~  
20 ~~be held at such general election~~ appoint a day to hold an election, subject  
21 to the provisions of section 34-106, Idaho Code, to fill such a vacancy and  
22 cause notice of such election to be given as provided in section 34-1406,  
23 Idaho Code.

24 SECTION 2. That Section 34-106, Idaho Code, be, and the same is hereby  
25 amended to read as follows:

26 34-106. LIMITATION UPON ELECTIONS. On and after January 1, 2011,  
27 notwithstanding any other provisions of the law to the contrary, there shall  
28 be no more than two (2) elections conducted in any county in any calendar  
29 year, except as provided in this section or section 34-220, Idaho Code, and  
30 except that elections to fill vacancies in the United States house of rep-  
31 resentatives and the United States senate shall be held as provided in the  
32 governor's proclamation.

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

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

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

36 (c) In addition to the elections specified in paragraphs (a) and (b) of  
37 this subsection and subsection (7) of this section, an emergency elec-  
38 tion may be called upon motion of the governing board of a political sub-  
39 division. An emergency exists when there is a great public calamity,  
40 such as an extraordinary fire, flood, storm, epidemic, or other disas-

1 ter, or when it is necessary to do emergency work to prepare for national  
2 or local defense or to safeguard life, health or property.

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

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

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

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

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

21 (7) Community colleges governed by chapter 21, title 33, Idaho Code,  
22 and school districts are subject to the limitations specified in subsection  
23 (1) of this section.

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 after the clerk of the political subdivision orders that  
30 such election shall be held in May or November of even-numbered years or more  
31 than fifty (50) days after the order for all other elections, unless other-  
32 wise provided by law. Ballot language for any question to be placed on the  
33 ballot shall be submitted to the county clerk at least sixty (60) days before  
34 an election held in May or November of even-numbered years and at least fifty  
35 (50) days before all other elections.

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

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

45 SECTION 3. An emergency existing therefor, which emergency is hereby  
46 declared to exist, this act shall be in full force and effect on and after  
47 July 1, 2025.