

IN THE SENATE

SENATE BILL NO. 1366

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 34-102, IDAHO CODE, TO REVISE PRO-
2 VISIONS REGARDING A DEFINITION AND PURPOSES; AMENDING SECTION 34-106,
3 IDAHO CODE, TO REVISE A PROVISION REGARDING LIMITATION ON ELECTIONS;
4 AMENDING SECTION 34-606, IDAHO CODE, TO REVISE A PROVISION REGARDING
5 THE ELECTION OF PRESIDENTIAL ELECTORS AND NOMINATION FOR PRESIDENT;
6 AMENDING SECTION 34-703, IDAHO CODE, TO ESTABLISH A PROVISION REGARDING
7 NOMINATION AT PRIMARY; AMENDING SECTION 34-1214, IDAHO CODE, TO ESTAB-
8 LISH A PROVISION REGARDING CERTIFICATES OF NOMINATION OR ELECTION TO A
9 CERTAIN FEDERAL OFFICE; AND DECLARING AN EMERGENCY.
10

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

12 SECTION 1. That Section 34-102, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 34-102. "PRIMARY ELECTION" DEFINED -- PURPOSES. "Primary election"
15 means an election held for the purpose of nominating persons as candidates of
16 political parties for election to offices, ~~and~~ for the purpose of electing
17 persons as members of the controlling committees of political parties, ~~and~~
18 for the purpose of allowing voters to express their preference of candidate
19 for nomination by a political party for president of the United States.
20 Primary elections shall be held on the ~~third~~ Tuesday ~~of~~ following the first
21 Monday in May in each even-numbered year.

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

24 34-106. LIMITATION ON ELECTIONS. On and after January 1, 2011,
25 notwithstanding any other provisions of the law to the contrary, there shall
26 be no more than two (2) elections conducted in any county in any calendar
27 year, except as provided in this section or section 34-220, Idaho Code, and
28 except that elections to fill vacancies in the United States house of repre-
29 sentatives shall be held as provided in the governor's proclamation.

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

31 (a) The ~~third~~ Tuesday following the first Monday in May of each year;
32 and

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

34 (c) In addition to the elections specified in paragraphs (a) and (b) of
35 this subsection and subsection (7) of this section, an emergency elec-
36 tion may be called upon motion of the governing board of a political sub-
37 division. An emergency exists when there is a great public calamity,
38 such as an extraordinary fire, flood, storm, epidemic, or other disas-
39 ter, or when it is necessary to do emergency work to prepare for national
40 or local defense or to safeguard life, health or property.

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

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

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

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

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

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

22 (8) A city initiative or referendum election shall be held on the Tues-
23 day following the first Monday in November of odd-numbered years. A county
24 initiative or referendum election or a bond, levy or other ballot question
25 election conducted by any political subdivision shall be held on the nearest
26 date authorized in subsection (1) of this section as long as the ballot lan-
27 guage for any question to be placed on the ballot is submitted to the county
28 clerk no later than 5:00 p.m. on the tenth Friday before the election.

29 (9) Recall elections may be held on any of the dates authorized in sub-
30 section (1) of this section as long as the recall petition is certified no
31 later than the tenth Friday before the next scheduled election.

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

37 SECTION 3. That Section 34-606, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 34-606. ELECTION OF PRESIDENTIAL ELECTORS -- NOMINATION FOR PRESI-
40 DENT. (1) At the general election, 1972, and every four (4) years thereafter,
41 there shall be elected such a number of electors of president and vice pres-
42 ident of the United States as the state may be entitled to in the electoral
43 college.

44 (2) No person shall be elected to this position unless he has attained
45 the age of twenty-one (21) years at the time of the election, is a citizen of
46 the United States and shall have resided within the state two (2) years next
47 preceding his election.

48 (3) Such electors shall be certified to the secretary of state as pro-
49 vided for by law.

1 (4) Any candidate for a political party participating in the nomination
 2 for president of the United States at the primary election shall file a dec-
 3 laration of candidacy with the secretary of state and pay a filing fee of one
 4 thousand dollars (\$1,000) within the time period provided in section 34-704,
 5 Idaho Code. Such filing fee shall be deposited in the general fund.

6 SECTION 4. That Section 34-703, Idaho Code, be, and the same is hereby
 7 amended to read as follows:

8 34-703. NOMINATION AT PRIMARY. (1) All political party candidates for
 9 president of the United States, for United States senator and representative
 10 in congress, and for all political party candidates for elective state, dis-
 11 trict and county offices, except candidates for judicial office, at general
 12 elections shall be nominated at the primary elections, or shall have their
 13 names placed on the general election ballot as provided by law, and shall
 14 comply with the provisions of this act.

15 (2) All candidates for judicial office shall be nominated or elected at
 16 the primary election, as provided by section 34-1217, Idaho Code.

17 (3) Independent candidates shall not be voted on at primary elections.

18 SECTION 5. That Section 34-1214, Idaho Code, be, and the same is hereby
 19 amended to read as follows:

20 34-1214. CERTIFICATES OF NOMINATION OR ELECTION TO FEDERAL, STATE,
 21 DISTRICT OR NONPARTISAN OFFICES AFTER PRIMARY. (1) Immediately after the
 22 primary election canvass, the secretary of state shall issue certificates
 23 of nomination to the political party candidates of each party who receive
 24 the highest number of votes for their particular federal, state or district
 25 office. The candidates so certified shall have their names placed on the
 26 general election ballot.

27 (2) Immediately after the primary election canvass in a presidential
 28 election year, the secretary of state shall certify to the state chair of
 29 each political party the number of votes received by that party's candidates
 30 for president of the United States. A winner shall be declared as prescribed
 31 by rule of the state and national party.

32 ~~(2)~~ (3) Immediately after the primary election canvass, the secretary
 33 of state shall issue certificates of nomination to the nonpartisan candi-
 34 date or candidates who receive the highest number of votes for the number
 35 of vacancies which are to be filled for a particular office and also to the
 36 same number of candidates who receive the second highest number of votes for
 37 the particular office. The candidates so certified shall have their names
 38 placed on the general election ballot. If it appears from the canvass that a
 39 particular candidate has received a majority of the total vote cast for the
 40 particular office, he shall be issued a certificate of election instead of a
 41 certificate of nomination and no candidates shall run for the particular of-
 42 fice in the general election.

43 SECTION 6. An emergency existing therefor, which emergency is hereby
 44 declared to exist, this act shall be in full force and effect on and after its
 45 passage and approval.