

TITLE 33
EDUCATION

CHAPTER 4
SCHOOL ELECTIONS

33-401. LEGISLATIVE INTENT. The legislature finds that a comprehensive and integrated statutory scheme for the conduct of school elections is critical to the public's understanding of and confidence in the public school election system. It is therefore the intent of the legislature that the provisions of [title 18](#), Idaho Code, and the provisions of [title 34](#), Idaho Code, shall be fully applicable and shall govern all school elections. All school elections shall be administered by the clerk of the county wherein the district lies. Elections in a joint school district shall be conducted jointly by the clerks of the respective counties, and the clerk of the home county shall exercise such powers as are necessary to coordinate the election.

[33-401, added 1982, ch. 60, sec. 1, p. 108; am. 2009, ch. 341, sec. 31, p. 1014.]

33-402. NOTICE REQUIREMENTS. (1) Notice of annual meeting of elementary school districts as provided for in section [33-510](#), Idaho Code, and of intent to discontinue a school, as provided for in section [33-511](#), Idaho Code, and annual budget hearing as provided for in section [33-801](#), Idaho Code, shall be given by posting for not less than ten (10) days, and publishing once in a newspaper as provided in section [60-106](#), Idaho Code, published within the district, or, if there be none, then in a newspaper as provided in section [60-106](#), Idaho Code, published in the county in which such district lies. If more than one (1) newspaper is printed and published in said district or county, then in the newspaper most likely to give best general notice of the election within said district; provided that if no newspaper is published in the said district or county, then in a newspaper as provided in section [60-106](#), Idaho Code, most likely to give best general notice of the election within the district. If a financial emergency has been declared pursuant to section 33-522, Idaho Code, the notice of annual meeting and the notice of the annual budget hearing shall be posted pursuant to subsection (2) of this section, for not less than five (5) days, and by such further notice as shall provide reasonable notice to the patrons of the school district if publication in a newspaper is not feasible.

(2) Notices calling for bids for the acquisition, use, or disposal of real and personal property as provided for in section [33-601](#), Idaho Code, and contracting for transportation services as provided for in section [33-1510](#), Idaho Code, shall be given in a newspaper of general circulation as required by [chapter 1, title 60](#), Idaho Code, except that the notice for contracting for transportation services shall be made not less than four (4) weeks before the date of opening bids.

(3) Proof of posting notice shall be upon the affidavit of the person posting the same; and proof of publication shall be upon the affidavit of the publisher of the newspaper or newspapers respectively. Such affidavits shall be filed with the board by the clerk responsible for the posting and the publishing of said notice.

[(33-402) 1963, ch. 13, sec. 45, p. 27; am. 1972, ch. 93, sec. 1, p. 203; am. 1978, ch. 65, sec. 1, p. 131; am. 1979, ch. 130, sec. 1, p. 401;

am. and redesignated 1982, ch. 60, sec. 2, p. 108; am. 1985, ch. 235, sec. 1, p. 558; am. 1992, ch. 187, sec. 1, p. 581; am. 1997, ch. 40, sec. 1, p. 75; am. 2005, ch. 213, sec. 4, p. 638; am. 2007, ch. 166, sec. 1, p. 494; am. 2009, ch. 171, sec. 1, p. 541; am. 2009, ch. 341, sec. 32, p. 1014; am. 2011, ch. 151, sec. 15, p. 426.]

33-404. PLACES ELECTIONS TO BE HELD. In elections involving excision and annexation of territory, or the consolidation of school districts, or the division of a school district, each notice of election shall designate that polling places shall be established, as follows:

In an election involving excision and annexation of territory, polling places shall be established pursuant to section [34-302](#), Idaho Code, in the district to which the territory or area is to be annexed; in the territory or area to be annexed; and in the remainder of the school district from which the territory or area is to be excised.

In an election involving consolidation of school districts, polling places shall be established pursuant to section [34-302](#), Idaho Code.

In an election involving the division of a school district, polling places shall be established pursuant to section [34-302](#), Idaho Code.

In any school election held within a joint school district, polling places shall be designated and established pursuant to section [34-302](#), Idaho Code, within such district, in each county.

[(33-404) 1963, ch. 13, sec. 47, p. 27; am. and redesignated 1982, ch. 60, sec. 7, p. 112; am. 1983, ch. 37, sec. 1, p. 88; am. 2009, ch. 341, sec. 34, p. 1016.]

33-405. QUALIFICATIONS OF SCHOOL ELECTORS. Any person voting, or offering to vote, in any school election must be, at the time of the election eighteen (18) years of age and a United States citizen who has resided in this state and in the school district at least thirty (30) days next preceding the election in which the elector desires to vote. In the case of election of trustees, the elector must be a resident of the same trustee zone as the candidate or candidates for school district trustees for whom the elector offers to vote for at least thirty (30) days next preceding the election in which the elector desires to vote.

Registration requirements set forth in [chapter 4, title 34](#), Idaho Code, shall be applicable to school elections. The elector may be required to furnish to the election official proof of residence, which proof shall be established by either an Idaho motor vehicle driver's license or any other document definitely establishing the elector's residence within the school district or trustee zone.

[(33-405) 1963, ch. 13, sec. 48, p. 27; am. 1969, ch. 177, sec. 1, p. 533; am. 1970, ch. 37, sec. 1, p. 81; am. 1970, ch. 136, sec. 1, p. 331; am. 1971, ch. 25, sec. 3, p. 61; am. and redesignated 1982, ch. 60, sec. 8, p. 112; am. 1985, ch. 257, sec. 1, p. 711; am. 1987, ch. 256, sec. 1, p. 519; am. 1989, ch. 88, sec. 67, p. 208; am. 2009, ch. 341, sec. 35, p. 1016.]