

TITLE 34
ELECTIONS

CHAPTER 18
INITIATIVE AND REFERENDUM ELECTIONS

34-1801. STATEMENT OF LEGISLATIVE INTENT AND LEGISLATIVE PURPOSE. The legislature of the state of Idaho finds that there have been incidents of fraudulent and misleading practices in soliciting and obtaining signatures on initiative or referendum petitions, or both, that false signatures have been placed upon initiative or referendum petitions, or both, that difficulties have arisen in determining the identity of petition circulators and that substantial danger exists that such unlawful practices will or may continue in the future. In order to prevent and deter such behavior, the legislature determines that it is necessary to provide easy identity to the public of those persons who solicit or obtain signatures on initiative or referendum petitions, or both, and of those persons for whom they are soliciting and obtaining signatures and to inform the public concerning the solicitation and obtaining of such signatures. It is the purpose of the legislature in enacting this act to fulfill the foregoing statement of intent and remedy the foregoing practices.

[34-1801, added 1997, ch. 266, sec. 2, p. 758.]

34-1801A. PETITION. The following shall be substantially the form of petition for any law proposed by the initiative:

WARNING

It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure, or to sign such petition when he is not a qualified elector.

INITIATIVE PETITION

To the Honorable...., Secretary of State of the State of Idaho:

We, the undersigned citizens and qualified electors of the State of Idaho, respectfully demand that the following proposed law (setting out full text of measure proposed) shall be submitted to the qualified electors of the State of Idaho, for their approval or rejection at the regular general election, to be held on the.... day of...., A.D.,...., and each for himself says: I have personally signed this petition; I am a qualified elector of the State of Idaho; my residence and legislative district are correctly written after my name.

| Signature | Printed | Residence | City | Date | Legislative |
|-----------|---------|-----------|------|------|-------------|
| | Name | Street | | | District |
| | | and | | | Official |
| | | Number | | | use only |

(Here follow no more than twenty numbered lines for signatures.)

The petition for referendum on any act passed by the state legislature of the state of Idaho shall be in substantially the same form with appropriate title and changes, setting out in full the text of the act of the legislature to be referred to the people for their approval or rejection.

[(34-1801A) 34-1801, added 1933, ch. 210, sec. 1, p. 431; am. 1988, ch. 48, sec. 1, p. 67; am. and redesign. 1997, ch. 266, sec. 1, p. 757; am. 2013, ch. 214, sec. 1, p. 503; am. 2013, ch. 336, sec. 1, p. 873; am. 2019, ch. 96, sec. 15, p. 353.]

34-1801B. INITIATIVE AND REFERENDUM PROCEDURES FOR CITIES. Each city shall allow direct legislation by the people through the initiative and referendum. Cities shall follow the procedures set forth in this chapter subject to the following provisions:

(1) The city attorney shall perform the duties assigned to the attorney general.

(2) The city clerk shall perform those duties assigned to the secretary of state.

(3) City initiative and referendum elections shall be held on the Tuesday following the first Monday in November in odd-numbered years.

(4) An action brought pursuant to section [34-1809](#), Idaho Code, challenging the ballot title or short title shall be brought in the district court in the county in which the city is located.

(5) Pursuant to section [34-1809](#), Idaho Code, the city attorney shall prepare recommendations concerning revision of the initiative or referendum, issue a certificate of review to the city clerk, and shall prepare the ballot title and short title.

(6) To be eligible to sign a petition for city initiative or referendum, a person shall be a qualified elector of the city at the time of signing thereon.

(7) To perfect a petition for city initiative or referendum the petition shall have signatures from at least twenty percent (20%) of the total number of qualified electors voting in the last general city election in November of an odd-numbered year.

(8) The provisions of section [34-1805](#), Idaho Code, relating to the number of required signatures and geographic distribution of signatures shall not apply to city initiative or referendum.

(9) Any person who circulates a petition for city initiative or referendum shall be a resident of the state of Idaho and at least eighteen (18) years of age, and pursuant to section [34-1807](#), Idaho Code, shall certify their belief that each signer of the petition is a qualified elector of the state of Idaho and the city.

(10) A copy of all petitions and signature sheets shall be kept by the city clerk as a public record.

(11) The prospective petition for referendum, as provided by section [34-1804](#), Idaho Code, shall be filed not more than sixty (60) days following publication of the adopted ordinance as provided by section [50-901](#), Idaho Code.

(12) The deadline for submission of signatures to the city clerk is one hundred eighty (180) days after the petitioners for initiative or referendum receive the official ballot title from the city clerk, or April 30 of the year of the initiative or referendum election, whichever is earlier.

(13) Petitioners must submit the signed initiative or referendum petitions to the county clerk for verification not later than the close of busi-

ness on the first day of May in the year of the initiative or referendum election, or one hundred eighty (180) days after the petitioners receive the official ballot title from the city clerk, whichever is earlier.

(14) The county clerk has sixty (60) calendar days to verify the signatures as provided in subsection (3) of section [34-1802](#), Idaho Code.

(15) The city council shall have the option to adopt the ordinance proposed by initiative within thirty (30) days after the notification pursuant to section [34-1807](#), Idaho Code, provided that the petition has the required number of signatures. The city council shall hold a public hearing on the proposed ordinance within the thirty (30) day period, preceded by legal notice published once in the official city newspaper at least seven (7) days preceding the hearing. If the ordinance is not adopted by the council by the end of the thirty (30) day period, the initiative shall be put on the ballot.

(16) As provided by sections [34-1812A](#) through [34-1812C](#), Idaho Code, a voters' pamphlet shall be prepared by the city clerk.

(17) To be passed into law, an initiative or referendum shall be approved by a majority of the votes cast on the measure.

(18) The mayor shall issue the proclamation provided by section [34-1813](#), Idaho Code.

(19) The city clerk shall publish an ordinance adopted by initiative or referendum within thirty (30) days after the proclamation by the mayor provided in subsection (18) of this section.

(20) All city ordinances setting forth procedures for initiative or referendum are void on July 1, 2015.

(21) This section does not apply to bond elections.

(22) This section does not apply to any local zoning legislation including, but not limited to, ordinances required or authorized pursuant to [chapter 65, title 67](#), Idaho Code.

[34-1801B, added 2015, ch. 285, sec. 2, p. 1157; am. 2018, ch. 238, sec. 2, p. 558.]

34-1801C. INITIATIVE AND REFERENDUM PROCEDURES FOR COUNTIES. Each county shall allow direct legislation by the people through the initiative and referendum. Counties shall follow the procedures set forth in this chapter subject to the following provisions:

(1) The county prosecuting attorney shall perform the duties assigned to the attorney general.

(2) The county clerk shall perform those duties assigned to the secretary of state.

(3) County initiative and referendum elections shall be held pursuant to section [34-106](#)(8), Idaho Code.

(4) Pursuant to section [34-1809](#), Idaho Code, the county prosecuting attorney shall prepare recommendations concerning revision of the initiative or referendum, issue a certificate of review to the county clerk and prepare the ballot title and short title.

(5) An action brought pursuant to section [34-1809](#), Idaho Code, challenging the ballot title or short title shall be brought in the district court of the county.

(6) To be eligible to sign a petition for county initiative or referendum, a person shall be a qualified elector of the county at the time of signing the petition.

(7) To perfect a petition for county initiative or referendum, the petition shall have signatures from at least twenty percent (20%) of the total

number of qualified electors voting in the last general county election in November of an even-numbered year.

(8) The provisions of section [34-1805](#), Idaho Code, relating to the number of required signatures and geographic distribution of signatures shall not apply to a county initiative or referendum.

(9) Any person who circulates a petition for county initiative or referendum shall be a resident of the state of Idaho and at least eighteen (18) years of age, and pursuant to section [34-1807](#), Idaho Code, shall certify his belief that each signer of the petition is a qualified elector of the state of Idaho and the county.

(10) A copy of all petitions and signature sheets shall be kept by the county clerk as a public record.

(11) The prospective petition for referendum, as provided by section [34-1804](#), Idaho Code, shall be filed no more than sixty (60) days following publication of the adopted ordinance as provided by section [31-715](#), Idaho Code.

(12) Petitioners must submit the signed initiative or referendum petitions to the county clerk for verification no later than one hundred eighty (180) days after the petitioners receive the official ballot title from the county clerk, or one hundred eighty (180) days before the election at which the initiative or referendum is to be voted on, whichever is earlier.

(13) The county clerk has sixty (60) calendar days to verify the signatures as provided in section [34-1802](#)(3), Idaho Code.

(14) The board of county commissioners shall have the option to adopt the ordinance proposed by initiative within thirty (30) days after the notification pursuant to section [34-1807](#), Idaho Code, provided that the petition has the required number of signatures. The board of county commissioners shall hold a public hearing on the proposed ordinance within the thirty (30) day period, preceded by legal notice published once in the county at least seven (7) days preceding the hearing. If the ordinance is not adopted by the board of county commissioners by the end of the thirty (30) day period, the initiative shall be put on the ballot.

(15) As provided by sections [34-1812A](#) through [34-1812C](#), Idaho Code, a voters' pamphlet shall be prepared by the county clerk.

(16) To be passed into law, an initiative or referendum shall be approved by a majority of the votes cast on the measure.

(17) The board of county commissioners shall issue the proclamation provided by section [34-1813](#), Idaho Code.

(18) The county clerk shall publish an ordinance adopted by initiative or referendum within thirty (30) days after the proclamation by the board of county commissioners provided in subsection (17) of this section.

(19) All county ordinances setting forth initiative or referendum procedures are void on July 1, 2018.

(20) This section does not apply to bond elections.

(21) This section does not apply to zoning legislation including, but not limited to, ordinances required or authorized pursuant to [chapter 65, title 67](#), Idaho Code.

[34-1801C, added 2018, ch. 238, sec. 4, p. 560.]

34-1802. INITIATIVE PETITIONS -- TIME FOR GATHERING SIGNATURES -- TIME FOR SUBMISSION OF SIGNATURES TO THE COUNTY CLERK -- TIME FOR FILING. (1) Except as provided in section [34-1804](#), Idaho Code, petitions for an initiative shall be circulated and signatures obtained beginning upon the date that the

petitioners receive the official ballot title from the secretary of state and extending eighteen (18) months from that date or April 30 of the year of the next general election, whichever occurs earlier. The last day for circulating petitions and obtaining signatures shall be the last day of April in the year an election on the initiative will be held.

(2) The person or persons or organization or organizations under whose authority the measure is to be initiated shall submit the petitions containing signatures to the county clerk for verification pursuant to the provisions of section [34-1807](#), Idaho Code. The signatures required shall be submitted to the county clerk not later than the close of business on the first day of May in the year an election on the initiative will be held, or eighteen (18) months from the date the petitioner receives the official ballot title from the secretary of state, whichever is earlier.

(3) The county clerk shall, within sixty (60) calendar days of the deadline for the submission of the signatures, verify the signatures contained in the petitions, but in no event shall the time extend beyond the last day of June in the year an election on the initiative will be held.

(4) Initiative petitions with the requisite number of signatures attached shall be filed with the secretary of state not less than four (4) months before the election at which they are to be voted upon.

[34-1802, added 1933, ch. 210, sec. 2, p. 431; am. 1997, ch. 266, sec. 3, p. 758; am. 2011, ch. 285, sec. 14, p. 784.]

34-1803. REFERENDUM PETITIONS -- TIME FOR FILING -- WHEN ELECTION HELD -- EFFECTIVE DATE OF LAW. Referendum petitions with the requisite number of signatures attached shall be filed with the secretary of state not more than sixty (60) days after the final adjournment of the session of the state legislature which passed on the bill on which the referendum is demanded. All elections on measures referred to the people of the state shall be had at the biennial regular election. Any measure so referred to the people shall take effect and become a law when it is approved by a majority of the votes cast thereon, and not otherwise.

[34-1803, added 1933, ch. 210, sec. 3, p. 431.]

34-1803B. INITIATIVE AND REFERENDUM PETITIONS -- REMOVAL OF SIGNATURES. (1) The signer of any initiative or referendum petition may remove his or her own name from the petition by crossing out, obliterating or otherwise defacing his or her own signature at any time prior to the time when the petition is presented to the county clerk for signature verification.

(2) The signer of any initiative or referendum petition may have his or her name removed from the petition at any time after presentation of the petition to the county clerk but prior to verification of the signature, by presenting or submitting to the county clerk a signed statement that the signer desires to have his name removed from the petition. The statement shall contain sufficient information to clearly identify the signer. The county clerk shall immediately strike the signer's name from the petition, and adjust the total of certified signatures on the petition accordingly. The statement shall be attached to, and become a part of the initiative or referendum petition.

[34-1803B, added 1997, ch. 266, sec. 4, p. 759.]

34-1804. PRINTING OF PETITION AND SIGNATURE SHEETS. Before or at the time of beginning to circulate any petition for the referendum to the people on any act passed by the state legislature of the state of Idaho, or for any law proposed by the initiative, the person or persons or organization or organizations under whose authority the measure is to be referred or initiated shall send or deliver to the secretary of state a copy of such petition duly signed by at least twenty (20) qualified electors of the state which shall be filed by said officer in his office, and who shall immediately transmit a copy of the petition to the attorney general for the issuance of the certificate of review as provided in section [34-1809](#), Idaho Code. All petitions for the initiative and for the referendum and sheets for signatures shall be printed on a good quality of bond or ledger paper in the form and manner as approved by the secretary of state. To every sheet of petitioners' signatures shall be attached a full and correct copy of the measure so proposed by initiative petition; but such petition may be filed by the secretary of state in numbered sections for convenience in handling. Every sheet of petitioners' signatures upon referendum petitions shall be attached to a full and correct copy of the measure on which the referendum is demanded, and may be filed in numbered sections in like manner as initiative petitions. Not more than twenty (20) signatures on one (1) sheet shall be counted. Each signature sheet shall contain signatures of qualified electors from only one (1) county.

[34-1804, added 1933, ch. 210, sec. 4, p. 431; am. 1988, ch. 48, sec. 2, p. 67; am. 2013, ch. 214, sec. 2, p. 504; am. 2013, ch. 336, sec. 2, p. 874.]

34-1805. SPONSORS TO PRINT PETITION -- NUMBER OF SIGNERS REQUIRED. After the form of the initiative or referendum petition has been approved by the secretary of state as in sections [34-1801A](#) through [34-1822](#), Idaho Code, provided, the same shall be printed by the person or persons or organization or organizations under whose authority the measure is to be referred or initiated and circulated in the several counties of the state for the signatures of legal voters. Before such petitions shall be entitled to final filing and consideration by the secretary of state there shall be affixed thereto the signatures of legal voters equal in number to not less than six percent (6%) of the qualified electors at the time of the last general election in each of at least eighteen (18) legislative districts; provided however, the total number of signatures shall be equal to or greater than six percent (6%) of the qualified electors of the state at the time of the last general election.

[34-1805, added 1933, ch. 210, sec. 5, p. 431; am. 1997, ch. 266, sec. 5, p. 759; am. 2007, ch. 202, sec. 7, p. 622; am. 2013, ch. 214, sec. 3, p. 504.]

34-1806. BINDING OF PETITION AND SIGNATURE SHEETS -- APPROVED MEASURES TO BE PRINTED WITH SESSION LAWS. When any such initiative or referendum petition shall be offered for filing the secretary of state shall detach the sheets containing the signatures and affidavits and cause them all to be attached to one or more printed copies of the measure so proposed by initiative or referendum petitions. The secretary of state shall file and keep such petitions as official public records. The secretary of state shall cause every such measure so approved by the people to be printed with the general laws enacted by the next ensuing session of the state legislature with the date of

the governor's proclamation declaring the same to have been approved by the people.

[34-1806, added 1933, ch. 210, sec. 6, p. 431; am. 1988, ch. 48, sec. 3, p. 68.]

34-1807. CIRCULATION OF PETITIONS -- VERIFICATION OF PETITION AND SIGNATURE SHEETS -- COMPARISON OF SIGNATURES WITH REGISTRATION OATHS AND RECORDS -- CERTAIN PETITIONS AND SIGNATURES VOID. Any person who circulates any petition for an initiative or referendum shall be a resident of the state of Idaho and at least eighteen (18) years of age. Each and every sheet of every such petition containing signatures shall be verified on the face thereof in substantially the following form, by the person who circulated said sheet of said petition, by his or her affidavit thereon, and as a part thereof:

State of Idaho)
) ss.
County of....)

I, , being first duly sworn, say: That I am a resident of the State of Idaho and at least eighteen (18) years of age: that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence: I believe that each has stated his or her name, address and residence correctly, that each signer is a qualified elector of the State of Idaho, and a resident of the county of.

Signed.....
Post-office address

Subscribed and sworn to before me this.... day of.....
(Notary Seal)

Notary Public
Residing at

In addition to said affidavit the county clerk shall carefully examine said petitions and shall attach to the signature sheets a certificate to the secretary of state substantially as follows:

State of Idaho)
) ss.
County of....)

To the honorable...., Secretary of State for the State of Idaho: I, , County Clerk of.... County, hereby certify that.... signatures on this petition are those of qualified electors in legislative district number.....

Signed.....
County Clerk or Deputy.

(Seal of office)

The county clerk shall deliver the petition or any part thereof to the person from whom he received it with his certificate attached thereto as above provided. The forms herein given are not mandatory and if substantially followed in any petition, it shall be sufficient, disregarding clerical and merely technical error.

Any petition upon which signatures are obtained by a person not a resident of the state of Idaho and at least eighteen (18) years of age, shall be void. The definition of resident in section [34-107](#), Idaho Code, shall apply to the circulators of initiative and referendum petitions. In addition to being a resident, a petition circulator shall be at least eighteen (18) years of age.

[34-1807, added 1933, ch. 210, sec. 7, p. 431; am. 1988, ch. 48, sec. 4, p. 68; am. 1997, ch. 266, sec. 6, p. 759; am. 1999, ch. 47, sec. 1, p. 109; am. 2013, ch. 214, sec. 4, p. 504; am. 2013, ch. 336, sec. 3, p. 874.]

34-1808. FILING OF PETITION -- MANDATE -- INJUNCTION. If the secretary of state shall refuse to accept and file any petition for the initiative or for the referendum with the requisite number of signatures of qualified electors thereto attached, any citizen may apply, within ten (10) days after such refusal to the district court for a writ of mandamus to compel him to do so. If it shall be decided by the court that such petition is legally sufficient, the secretary of state shall then file it, with a certified copy of the judgment attached thereto, as of the date on which it was originally offered for filing in his office. On a showing that any petition filed is not legally sufficient, the court may enjoin the secretary of state and all other officers from certifying or printing on the official ballot for the ensuing election the ballot title and numbers of such measure. All such suits shall be advanced on the court docket and heard and decided by the court as quickly as possible. Either party may appeal to the Supreme Court within ten (10) days after a decision is rendered. The district court of the fourth judicial district of the state of Idaho in and for Ada County shall have jurisdiction in all cases of measures to be submitted to the qualified electors of the state at large.

[34-1808, added 1933, ch. 210, sec. 8, p. 431; am. 1988, ch. 48, sec. 5, p. 70.]

34-1809. REVIEW OF INITIATIVE AND REFERENDUM MEASURES BY ATTORNEY GENERAL -- CERTIFICATE OF REVIEW PREREQUISITE TO ASSIGNMENT OF BALLOT TITLE -- BALLOT TITLE -- JUDICIAL REVIEW. (1) After receiving a copy of the petition from the secretary of state as provided in section [34-1804](#), Idaho Code:

(a) The attorney general may confer with the petitioner and shall, within twenty (20) working days from receipt thereof, review the proposal for matters of substantive import and shall recommend to the petitioner such revision or alteration of the measure as may be deemed necessary and appropriate.

(b) The recommendations of the attorney general shall be advisory only and the petitioner may accept or reject them in whole or in part.

(c) The attorney general shall issue a certificate of review to the secretary of state certifying that he has reviewed the measure for form and style and that the recommendations thereon, if any, have been communicated to the petitioner, and such certificate shall be issued whether or not the petitioner accepts such recommendations. The certificate of review shall be available for public inspection in the office of the secretary of state.

(2) Within fifteen (15) working days after the issuance of the certificate of review, the petitioner, if he desires to proceed with his sponsorship, shall file the measure, as herein provided, with the secretary of state for assignment of a ballot title, and the secretary of state shall thereupon submit to the attorney general two (2) copies of the measure filed.

(a) Within ten (10) working days after receiving copies of the petition, the attorney general shall provide ballot titles as provided for in this subsection and return one (1) copy of the petition to the secretary of state, with its ballot title.

(b) A copy of the ballot title as prepared by the attorney general shall be furnished by the secretary of state with the approved form of any initiative or referendum petition, as provided herein, to the person or persons or organization or organizations under whose authority the measure is initiated or referred.

(c) The ballot titles shall be used and printed on the covers of the petition when in circulation; the short title shall be printed in type not less than twenty (20) points on the covers of all such petitions circulated for signatures.

(d) The ballot title shall contain:

(i) Distinctive short title not exceeding twenty (20) words by which the measure is commonly referred to or spoken of and which shall be printed in the foot margin of each signature sheet of the petition.

(ii) A general title expressing in not more than two hundred (200) words the purpose of the measure.

(iii) The ballot title shall be printed with the numbers of the measure on the official ballot.

(e) In making the ballot title, the attorney general shall, to the best of his ability, give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not be intentionally an argument or likely to create prejudice either for or against the measure.

(3) Any person dissatisfied with the ballot title or the short title provided by the attorney general for any measure may appeal to the supreme court by petition, praying for a different title and setting forth the reason why the title prepared by the attorney general is insufficient or unfair.

(a) No appeal shall be allowed from the decision of the attorney general on a ballot title unless made within twenty (20) days after the ballot title is filed in the office of the secretary of state; provided however, that this section shall not prevent any later judicial proceeding to determine the sufficiency of such title, nor shall it prevent any judicial decision upon the sufficiency of such title.

(b) A copy of every such ballot title shall be served by the secretary of state upon the person offering or filing such initiative or referendum petition, or appeal. The service of the ballot title may be by mail or electronic transmission and shall be made forthwith when it is received from the attorney general by the secretary of state.

(c) The supreme court shall thereupon examine said measure, hear argument, and in its decision thereon certify to the secretary of state a ballot title and a short title for the measure in accord with the intent of this section. The secretary of state shall print on the official ballot the title thus certified to him.

(4) Any qualified elector of the state of Idaho may, at any time after the attorney general has issued a certificate of review, bring an action in the supreme court to determine the constitutionality of any initiative.

[34-1809, added 1933, ch. 210, sec. 9, p. 431; am. 1979, ch. 106, sec. 1, p. 340; am. 1988, ch. 48, sec. 6, p. 70; am. 1994, ch. 400, sec. 1, p. 1263; am. 1997, ch. 266, sec. 7, p. 760; am. 2003, ch. 147, sec. 1, p. 423; am. 2019, ch. 96, sec. 16, p. 353.]

34-1810. PRINTING AND DESIGNATION OF BALLOT TITLES ON OFFICIAL BALLOTS. (1) The secretary of state, at the time he furnishes to the county

clerks of the several counties certified copies of the names of candidates for state and district offices shall furnish to each of said county clerks a certified copy of the ballot titles and numbers of the several measures to be voted upon at the ensuing general election, and he shall use for each measure the ballot title designated in the manner herein provided.

(a) Such ballot title shall not resemble, so far as to probably create confusion, any such title previously filed for any measure to be submitted at that election.

(b) The ballot shall include a clear and concise statement as to the effect of a "yes" or "no" vote, prepared jointly by the attorney general and secretary of state.

(2) The secretary of state shall number the measures consecutively beginning with number (1), in the order in which the measures were finally filed with the secretary. The measures shall be designated on the ballot as a "Proposition One," "Proposition Two," et cetera.

[34-1810, added 1933, ch. 210, sec. 10, p. 431; am. 1988, ch. 48, sec. 7, p. 72; am. 2003, ch. 147, sec. 2, p. 425.]

34-1811. MANNER OF VOTING -- PROCEDURE WHEN CONFLICTING MEASURES APPROVED. The manner of voting upon measures submitted to the people shall be the same as is now or may be required and provided by law; no measure shall be adopted unless it shall receive an affirmative majority of the aggregate number of votes cast on such measure. If two (2) or more conflicting laws shall be approved by the people at the same election, the law receiving the greatest number of affirmative votes shall be paramount in all particulars as to which there is a conflict, even though such law may not have received the greatest majority of affirmative votes. If two (2) or more conflicting amendments to the constitution shall be approved by the people at the same election, the amendment which receives the greatest number of affirmative votes shall be paramount in all particulars as to which there is a conflict, even though such amendment may not have received the greatest majority of affirmative votes.

[34-1811, added 1933, ch. 210, sec. 11, p. 431.]

34-1812A. ARGUMENTS CONCERNING INITIATIVE AND REFERENDUM MEASURES. Any voter or group of voters may on or before July 20 prepare and file an argument, not to exceed five hundred (500) words, for or against any measure. Such argument shall not be accepted unless accompanied by the name and address or names and addresses of the person or persons submitting it, or, if submitted on behalf of an organization, the name and address of the organization and the names and addresses of at least two (2) of its principal officers.

If more than one (1) argument for or more than one (1) argument against any measure is filed within the time prescribed, the secretary of state shall select one (1) of the arguments for printing in the voters' pamphlets. In selecting the argument the secretary of state shall be required to give priority in the order named to the arguments of the following:

- (1) The proponent of the initiative or referendum petition.
- (2) Bona fide associations of citizens.
- (3) Individual voters.

[34-1812A, added 1979, ch. 135, sec. 2, p. 430.]

34-1812B. SUBMISSION OF REBUTTAL ARGUMENTS. When the secretary of state has received the arguments which will be printed in the voters' pamphlet, the secretary of state shall immediately send copies of the arguments in favor of the proposition to the authors of the arguments against and copies of the arguments against to the authors of the arguments in favor. The authors may prepare and submit rebuttal arguments not exceeding two hundred and fifty (250) words. The rebuttal arguments must be filed no later than August 1. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

[34-1812B, added 1979, ch. 135, sec. 3, p. 431.]

34-1812C. VOTERS' PAMPHLET. (1) Not later than September 25 before any regular general election at which an initiative or referendum measure is to be submitted to the people, the secretary of state shall cause to be printed a voters' pamphlet which shall contain the following:

(a) A complete copy of the title and text of each measure with the number and form in which the ballot title thereof will be printed on the official ballot;

(b) A copy of the arguments and rebuttals for and against each state measure.

(2) The secretary of state shall mail or distribute a copy of the voters' pamphlet to every household in the state. Sufficient copies of the voters' pamphlet shall also be sent to each county clerk. The county clerk and the secretary of state shall make copies of the voters' pamphlet available upon request.

(3) The voters' pamphlet shall be printed according to the following specifications:

(a) The pages of the pamphlet shall be not smaller than 6 x 9 inches in size;

(b) It shall be printed in clear readable type, no less than 10-point, except that the text of any measure may be set forth in no less than 7-point type;

(c) It shall be printed on a quality and weight of paper which in the judgment of the secretary of state best serves the voters;

(d) If the material described in subsections (a) and (b) of this section is combined in a single publication with constitutional amendments, the entire publication shall be treated as a legal notice.

[34-1812C, added 1979, ch. 135, sec. 4, p. 431; am. 1984, ch. 114, sec. 1, p. 258.]

34-1813. COUNTING, CANVASSING AND RETURN OF VOTES. The votes on measures and questions shall be counted, canvassed and returned by the regular boards of judges, clerks and officers, as votes for candidates are counted, canvassed and returned, and the abstract made by the several county auditors of votes on measures shall be returned to the secretary of state on separate abstract sheets in the manner provided for abstract of votes for state and county officers. It shall be the duty of the secretary of state, in the presence of the governor, to proceed within thirty (30) days after the election, and sooner if the returns be all received, to canvass the votes given for each measure, and the governor shall forthwith issue his proclamation, giving the whole number of votes cast in the state for and against such mea-

sure and question, and declaring such measures as are approved by a majority of those voted thereon to be in full force and effect as the law of the state of Idaho from the date of said proclamation; provided, that if two (2) or more measures shall be approved at said election which are known to conflict with each other or to contain conflicting provisions he shall also proclaim which is paramount in accordance with the provisions of sections [34-1801](#)--[34-1822](#).

[34-1813, added 1933, ch. 210, sec. 13, p. 431.]

34-1814. WHO MAY SIGN PETITION -- EFFECT OF WRONGFUL SIGNING -- PENALTY FOR WRONGFUL SIGNING. Every person who is a qualified elector of the state of Idaho may sign a petition for the referendum or for the initiative for any measure which he is legally entitled to vote upon. Any person signing any name other than his own to any petition, or knowingly signing his name more than once for the same measure at one election, or who is not at the time of signing the same a legal voter of this state, or any officer or person wilfully violating any provision of this statute, shall, upon conviction thereof be punished by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment in the penitentiary not exceeding two (2) years, or by both such fine and imprisonment, in the discretion of the court before which such conviction shall be had. Any such wrongful signatures are null and void and shall not be counted as a qualified signature. Any person circulating a petition, who knows, or who in the exercise of reasonable care should know, that a signature is forged and who shall thereafter fail to strike through and thereby void such signature, and any person in a position of supervision of such person who suffers or permits a forged signature to remain on a petition shall pay a fine of not less than one thousand dollars (\$1,000) for each such signature.

[34-1814, added 1933, ch. 210, sec. 14, p. 431; am. 1997, ch. 266, sec. 8, p. 762.]

34-1815. FALSE STATEMENTS SPOKEN OR WRITTEN CONCERNING PETITION UNLAWFUL -- FAILURE TO DISCLOSE MATERIAL PROVISIONS. It shall be unlawful for any person to wilfully or knowingly circulate, publish or exhibit any false statement or representation, whether spoken or written, or to fail to disclose any material provision in a petition, concerning the contents, purport or effect of any petition mentioned in sections [34-1801A](#) through [34-1822](#), Idaho Code, for the purpose of obtaining any signature to any such petition, or for the purpose of persuading any person to sign any such petition. It shall be unlawful for any person to solicit or obtain any signature on a petition without first showing the signer both the short title and the general title as defined in section [34-1809](#), Idaho Code, so that the signer has an opportunity to read them before signing the petition.

Any signature obtained without compliance with this section is null and void.

[34-1815, added 1933, ch. 210, sec. 15, p. 431; am. 1997, ch. 266, sec. 10, p. 763.]

34-1816. FILING PETITION WITH FALSE SIGNATURES UNLAWFUL. It shall be unlawful for any person to file in the office of any officer provided by law to receive such filing any petition mentioned in sections [34-1801](#)--[34-1822](#),

to which is attached, appended or subscribed any signature which the person so filing such petition knows to be false or fraudulent or not the genuine signature of the person purporting to sign such petition, or whose name is attached, appended or subscribed thereto.

[34-1816, added 1933, ch. 210, sec. 16, p. 431.]

34-1817. CIRCULATING PETITION WITH FALSE, FORGED OR FICTITIOUS NAMES UNLAWFUL. It shall be unlawful for any person to circulate or cause to be circulated any petition mentioned in sections [34-1801](#)--[34-1822](#), knowing the same to contain false, forged or fictitious names.

[34-1817, added 1933, ch. 210, sec. 17, p. 431.]

34-1818. FALSE AFFIDAVIT BY ANY PERSON UNLAWFUL. It shall be unlawful for any person to make any false affidavit concerning any petition mentioned in sections [34-1801](#)--[34-1822](#), or the signatures appended thereto.

[34-1818, added 1933, ch. 210, sec. 18, p. 431.]

34-1819. FALSE RETURN, CERTIFICATION OR AFFIDAVIT BY PUBLIC OFFICIAL UNLAWFUL. It shall be unlawful for any public official or employee knowingly to make any false return, certification or affidavit concerning any petition mentioned in sections [34-1801](#)--[34-1822](#), or the signatures appended thereto.

[34-1819, added 1933, ch. 210, sec. 19, p. 431.]

34-1820. SIGNING MORE THAN ONCE OR WHEN NOT QUALIFIED UNLAWFUL. It shall be unlawful for any person to knowingly sign his own name more than once to any petition mentioned in sections [34-1801](#)--[34-1822](#), or to sign his name to any such petition knowing himself at the time of such signing not to be qualified to sign the same.

[34-1820, added 1933, ch. 210, sec. 20, p. 431.]

34-1821. FELONIOUS ACTS ENUMERATED. It shall be a felony for any person to offer, propose or threaten to do any act mentioned in this section of or concerning any petition mentioned in sections [34-1801](#)--[34-1822](#), for any pecuniary reward or consideration: (a) To offer, propose, threaten or attempt to sell, hinder or delay any petition or any part thereof or of any signatures thereon mentioned in sections [34-1801](#)--[34-1822](#); (b) To offer, propose, or threaten to desist, for a valuable consideration, from beginning, promoting or circulating any petition mentioned in sections [34-1801](#)--[34-1822](#), or soliciting signatures to any such petition; (c) To offer, propose, attempt or threaten in any manner or form to use any petition or power of promotion or opposition in any manner or form for extortion, blackmail or secret or private intimidation of any person or business interest.

[34-1821, added 1933, ch. 210, sec. 21, p. 431.]

34-1822. PENALTY FOR VIOLATIONS. Any person, either as principal or agent, violating any of the provisions of sections [34-1801](#)--[34-1822](#) shall be punished upon conviction by imprisonment in the penitentiary or in the county jail not exceeding two (2) years, or by a fine not exceeding \$5000.00, or by both, excepting that imprisonment in the penitentiary and punishment

by a fine shall be the only penalty for violation of any provision of section [34-1821](#).

[34-1822, added 1933, ch. 210, sec. 22, p. 431.]

34-1823. SEVERABILITY. In the event that any part of [chapter 18, title 34](#), Idaho Code, shall for any reason be determined void or unenforceable in any part thereof, the remainder thereof shall remain in full force and effect.

[34-1823, added 1997, ch. 266, sec. 11, p. 763.]