

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 109

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 34-1801B, IDAHO CODE, TO REVISE THE
2 DEADLINES AND DATES FOR A CITY INITIATIVE AND REFERENDUM ELECTION AND TO
3 MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 50-418, IDAHO CODE, TO
4 REMOVE AN OBSOLETE REFERENCE.
5

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

7 SECTION 1. That Section 34-1801B, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 34-1801B. INITIATIVE AND REFERENDUM PROCEDURES FOR CITIES. Each city
10 shall allow direct legislation by the people through the initiative and ref-
11 erendum. Cities shall follow the procedures set forth in this chapter sub-
12 ject to the following provisions:

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

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

17 (3) City initiative and referendum elections shall be held on the Tues-
18 day following the first Monday in November ~~in odd-numbered years~~.

19 (4) An action brought pursuant to section 34-1809, Idaho Code, chal-
20 lenging the ballot title or short title shall be brought in the district
21 court in the county in which the city is located.

22 (5) Pursuant to section 34-1809, Idaho Code, the city attorney shall
23 prepare recommendations concerning revision of the initiative or referen-
24 dum, issue a certificate of review to the city clerk, and shall prepare the
25 ballot title and short title.

26 (6) To be eligible to sign a petition for city initiative or referen-
27 dum, a person shall be a qualified elector of the city at the time of signing
28 thereon.

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

33 (8) The provisions of section 34-1805, Idaho Code, relating to the num-
34 ber of required signatures and geographic distribution of signatures shall
35 not apply to city initiative or referendum.

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

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

1 (11) The prospective petition for referendum, as provided by section
2 34-1804, Idaho Code, shall be filed not more than sixty (60) days following
3 publication of the adopted ordinance as provided by section 50-901, Idaho
4 Code.

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

9 (13) Petitioners must submit the signed initiative or referendum peti-
10 tions to the county clerk for verification ~~not~~ no later than the close of
11 business on the first day of May ~~in the year of the initiative or referendum~~
12 ~~election, or one hundred eighty (180) days after the petitioners receive the~~
13 ~~official ballot title from the city clerk, whichever is earlier.~~

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

16 (15) The city council shall have the option to adopt the ordinance pro-
17 posed by initiative within thirty (30) days after the notification pursuant
18 to section 34-1807, Idaho Code, provided that the petition has the required
19 number of signatures. The city council shall hold a public hearing on the
20 proposed ordinance within the thirty (30) day period, preceded by legal no-
21 tice published once in the official city newspaper at least seven (7) days
22 preceding the hearing. If the ordinance is not adopted by the council by the
23 end of the thirty (30) day period, the initiative shall be put on the ballot.

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

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

28 (18) The mayor shall issue the proclamation provided by section
29 34-1813, Idaho Code.

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

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

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

36 SECTION 2. That Section 50-418, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 50-418. INITIATIVE AND REFERENDUM ELECTIONS. Initiative and referen-
39 dum elections shall be governed by the provisions of chapter 18, title 34,
40 Idaho Code, ~~and chapter 5, title 50, Idaho Code, except as those provisions~~
41 ~~are specifically modified by this chapter.~~