

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 171

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 34-301, IDAHO CODE, TO REQUIRE THE
2 COUNTY CLERK TO PROVIDE A DESCRIPTION OF ALL PRECINCTS WITHIN THE COUNTY
3 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-302, IDAHO CODE,
4 TO REVISE THE TIME BY WHICH A PRECINCT POLLING LOCATION SHALL BE DESIG-
5 NATED, TO REVISE A CITATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
6 SECTION 34-303, IDAHO CODE, TO REVISE THE TIME WITHIN WHICH RECOMMENDA-
7 TIONS FOR ELECTION JUDGES MUST BE SUBMITTED, TO REVISE THE TIME WITHIN
8 WHICH APPLICATIONS TO SERVE ON AN ELECTION BOARD MUST BE RECEIVED AND
9 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-413, IDAHO CODE,
10 TO PROVIDE THAT AN ELECTOR WHO MOVES TO ANOTHER COUNTY OR STATE WITHIN
11 THIRTY DAYS OF AN ELECTION MAY VOTE AT THE POLLING PLACE ASSIGNED TO
12 THE ELECTOR'S PRIOR ADDRESS; REPEALING SECTION 34-417, IDAHO CODE,
13 RELATING TO THE ALTERATION OF REGISTRATION CARDS FOLLOWING CHANGES IN
14 A PRECINCT BOUNDARY; AMENDING SECTION 34-420, IDAHO CODE, TO PROVIDE
15 THAT AN ELECTOR'S REGISTRATION MAY BE CANCELED IF HE HAS REGISTERED TO
16 VOTE IN ANOTHER JURISDICTION, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE
17 TECHNICAL CORRECTIONS; AMENDING SECTION 34-432, IDAHO CODE, TO REVISE
18 THE TIME WITHIN WHICH A COUNTY CLERK MUST EXAMINE THE ELECTION REGISTER
19 AND NOTE CERTAIN CHALLENGES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
20 SECTION 34-705, IDAHO CODE, TO REVISE THE TIME WITHIN WHICH THE SECRE-
21 TARY OF STATE SHALL CERTIFY CERTAIN INFORMATION TO THE COUNTY CLERKS
22 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-909, IDAHO CODE,
23 TO REVISE THE TIME WITHIN WHICH THE SECRETARY OF STATE SHALL PROVIDE
24 CERTAIN SAMPLE BALLOT INFORMATION TO COUNTY CLERKS; AMENDING SECTION
25 34-1002, IDAHO CODE, TO PROVIDE A CORRECT CITATION AND TO MAKE A TECH-
26 NICAL CORRECTION; AMENDING SECTION 34-1003, IDAHO CODE, TO REVISE THE
27 TIME WITHIN WHICH VALIDLY REQUESTED ABSENTEE BALLOTS FOR CANDIDATES FOR
28 FEDERAL OFFICE SHALL BE RECEIVED AND SENT TO ELECTORS AND WITHIN WHICH A
29 POLITICAL PARTY MUST SUPPLY THE NAME OF A WITNESS TO THE DELIVERY OF AN
30 ABSENTEE BALLOT TO THE COUNTY CLERK AND TO MAKE TECHNICAL CORRECTIONS;
31 AMENDING SECTION 34-1405A, IDAHO CODE, TO REVISE THE TIME WITHIN WHICH A
32 CANDIDATE MAY WITHDRAW HIS CANDIDACY; AMENDING SECTION 34-1407, IDAHO
33 CODE, TO REVISE THE TIME WITHIN WHICH A WRITE-IN CANDIDATE MUST FILE A
34 DECLARATION OF INTENT; AMENDING SECTION 34-1703, IDAHO CODE, TO PROVIDE
35 FOR A MAXIMUM OF TWENTY NUMBERED LINES FOR SIGNATURES ON RECALL PETI-
36 TIONS; AMENDING SECTION 34-1801A, IDAHO CODE, TO PROVIDE FOR A MAXIMUM
37 OF TWENTY NUMBERED LINES FOR SIGNATURES ON AN INITIATIVE OR REFERENDUM
38 PETITION; AMENDING SECTION 34-1809, IDAHO CODE, TO PROVIDE THAT SERVICE
39 OF A BALLOT TITLE MAY BE MADE BY ELECTRONIC TRANSMISSION AND TO MAKE
40 TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.
41

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

1 SECTION 1. That Section 34-301, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 34-301. ESTABLISHMENT OF ELECTION PRECINCTS BY COUNTY COMMISSIONERS
4 -- LISTS AND MAPS TO BE FURNISHED TO SECRETARY OF STATE. (1) The board of
5 county commissioners in each county shall establish a convenient number of
6 election precincts therein. The board of county commissioners may establish
7 an absentee voting precinct for each legislative district within the county.
8 The boundaries of such absentee precincts shall be the same as those of the
9 legislative districts for which they were established. The board shall have
10 the authority to create new or consolidate established precincts only within
11 the boundaries of legislative districts. No county shall have less than two
12 (2) precincts. This board action shall be done no later than January 15 in
13 a general election year. The January 15 deadline shall be waived during a
14 general election year in which a legislative or court-ordered redistricting
15 plan is adopted. In such cases, any precinct boundary adjustments shall be
16 accomplished by the county commissioners as soon as is practicable.

17 (2) The county clerk of each county shall provide, and the secretary of
18 state shall maintain in his office, a current and accurate report of the fol-
19 lowing:

- 20 (a) A list of all precincts within the county;
21 (b) A map and description of all precincts within the county;
22 (c) A count of voters registered for the latest general election, by
23 precinct; and
24 (d) A count of votes cast at the latest general election, by precinct.

25 SECTION 2. That Section 34-302, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 34-302. DESIGNATION OF PRECINCT POLLING PLACES. The board shall, ~~not~~
28 ~~less than thirty (30) days by the fifth Friday~~ before any election, design-
29 ~~ate a suitable polling place for each election precinct. Insofar as possi-~~
30 ~~ble, the board shall designate the same polling place for the general elec-~~
31 ~~tion which that it designated for the primary election. The physical ar-~~
32 ~~rangements of the polling place shall be sufficient to guarantee all voters~~
33 ~~the right to cast a secret ballot. All polling places designated as provided~~
34 ~~herein, shall conform to the accessibility standards adopted by the secre-~~
35 ~~tary of state pursuant to the "Voting Accessibility for the Elderly and~~
36 ~~Hhandicapped Aact," P.L. 98-435 52 U.S.C. 20101 et seq. The expense of pro-~~
37 ~~viding such polling places shall be a public charge and paid out of the county~~
38 ~~treasury.~~

39 SECTION 3. That Section 34-303, Idaho Code, be, and the same is hereby
40 amended to read as follows:

41 34-303. APPOINTMENT OF ELECTION JUDGES BY COUNTY CLERK. (1) The
42 county clerk shall appoint two (2) or more election judges, one (1) of whom
43 shall be designated chief judge, and the number of clerks deemed necessary by
44 him for each polling place. In the event a single polling place is designated
45 for two (2) or more precincts, an individual may serve simultaneously on the
46 election board for two (2) or more precincts thus served by a single polling

1 place. The precinct committeemen shall recommend persons for the position
 2 in their respective precincts to the county clerk in writing ~~at least ten~~
 3 ~~(10) days by the fifth Friday~~ prior to the ~~date on which any appointment shall~~
 4 ~~be made~~ primary election and the county clerk shall appoint the judges from
 5 such lists if the persons recommended are qualified.

6 (2) The chief election judge shall be responsible for the conduct of the
 7 proceedings in the polling place. Compensation for all election personnel
 8 shall be determined by the board of county commissioners, ~~and not at no less~~
 9 than the minimum wage as prescribed by the laws of the state of Idaho.

10 (3) Each election board shall contain personnel representing all ex-
 11 isting political parties if a list of applicants has been provided to the
 12 county clerk by the precinct committeemen of the precincts ~~at least sixty~~
 13 ~~(60) days prior to the primary election~~ by the prescribed deadline.

14 (4) In order to provide for a greater awareness of the election process,
 15 the rights and responsibilities of voters and the importance of participat-
 16 ing in the electoral process, as well as to provide additional members of
 17 precinct boards, a county clerk may appoint not more than two (2) students
 18 per precinct to serve under the direct supervision of election board members
 19 designated by the county clerk. A student may be appointed, notwithstanding
 20 lack of eligibility to vote, if the student possesses the following qualifi-
 21 cations:

22 (a) Is at least sixteen (16) years of age at the time of the election for
 23 which he or she is serving as a member of an election board; and

24 (b) Is a citizen of the United States.

25 SECTION 4. That Section 34-413, Idaho Code, be, and the same is hereby
 26 amended to read as follows:

27 34-413. REREGISTRATION OF ELECTOR WHO CHANGES RESIDENCE. An elector
 28 who moves to another county within the state or to another state within
 29 thirty (30) days prior to any election shall be permitted to vote in the
 30 ensuing election by absentee ballot or at the polling place assigned to the
 31 elector's prior address.

32 SECTION 5. That Section [34-417](#), Idaho Code, be, and the same is hereby
 33 repealed.

34 SECTION 6. That Section 34-420, Idaho Code, be, and the same is hereby
 35 amended to read as follows:

36 34-420. NO ELECTOR'S REGISTRATION SHALL BE ~~CANCELLED~~ CANCELED WHILE
 37 ~~HE IS SERVING IN THE ARMED FORCES -- EXCEPTION. (1) Except as provided in sec-~~
 38 ~~tion 34-435, Idaho Code, or for registering to vote in another jurisdiction,~~
 39 ~~no elector's registration shall be cancelled canceled,~~ nor shall he be de-
 40 prived of his right to vote at any election by reason of the removal of his
 41 official registration application from the register of electors, during any
 42 period that he is serving in the armed forces of the United States or of any
 43 ally of the United States.

44 ~~(2) In order to facilitate the implementation of the provisions of sub-~~
 45 ~~section (1) of this section, the one hundred twenty (120) day limitation in~~
 46 ~~section 34-435, Idaho Code, shall be waived for the year 1987, in order to al-~~

1 ~~low military registrations to be cancelled by the county clerk in calendar~~
 2 ~~year 1987.~~

3 SECTION 7. That Section 34-432, Idaho Code, be, and the same is hereby
 4 amended to read as follows:

5 34-432. CORRECTION OF ELECTION REGISTER FROM CHALLENGES AT ELEC-
 6 TION. (1) ~~Within sixty (60) days~~ No later than the ninth Friday after each
 7 election, the county clerk shall examine the election register and note the
 8 challenges as described in section 34-431, Idaho Code. The county clerk
 9 shall mail a written inquiry to the challenged elector at his mailing address
 10 as indicated on his registration card. Such inquiry shall state the nature
 11 of the challenge and provide a suitable form for reply.

12 (2) Within twenty (20) days from the date of mailing of the written in-
 13 quiry, the elector may, in person or in writing, state that the information
 14 on his registration card is correct. Upon receipt of such a statement or re-
 15 quest, the county clerk shall determine whether the information satisfies
 16 the challenge. If the county clerk determines that the challenge has not
 17 been satisfied, the county clerk shall schedule a hearing on the challenge
 18 and shall notify the elector of the place and time of the hearing. The hear-
 19 ing shall be held no later than twenty (20) days after notice is given. At
 20 the hearing, the challenged elector may present evidence of qualification.
 21 If the county clerk, upon the conclusion of the hearing, determines that the
 22 challenged elector's registration is not valid, the county clerk shall can-
 23 cel the registration. If a challenged elector fails to make the statement or
 24 request in response to the inquiry, the county clerk shall cancel the regis-
 25 tration.

26 (3) The county clerk may make inquiry into the validity of any registra-
 27 tion at any time. The inquiry shall proceed as provided in this section.

28 SECTION 8. That Section 34-705, Idaho Code, be, and the same is hereby
 29 amended to read as follows:

30 34-705. WITH WHOM DECLARATIONS FILED. (1) All candidates for county
 31 offices, whether political party candidates or independent candidates, and
 32 all political party candidates for precinct offices shall file their decla-
 33 rations of candidacy with the county clerk of their respective counties. All
 34 candidates for district, state and federal offices shall file their declara-
 35 tions of candidacy with the secretary of state.

36 (2) The secretary of state, shall certify to the county clerks, within
 37 ten (10) days after the filing deadline, the names of the political party
 38 candidates who filed for federal, state and district offices and are qual-
 39 ified and by not later than the tenth day prior to the primary shall certify
 40 the names of political party candidates who have been appointed by central
 41 committees to fill vacancies as provided by for placement on the ballot.

42 (3) The secretary of state shall certify the name of a candidate being
 43 appointed by the appropriate central committee pursuant to section 34-714,
 44 Idaho Code, by no later than the next business day after the appointment is
 45 received in the secretary of state's office, if received after the certifi-
 46 cation of candidates to the county clerks under subsection (2) of this sec-
 47 tion.

1 SECTION 9. That Section 34-909, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 34-909. GENERAL ELECTION SAMPLE BALLOTS FORWARDED TO COUNTIES BY SEC-
4 RETARY OF STATE. (1) The secretary of state, not no later than September 7,
5 shall ~~prepare~~ provide the necessary general election sample ballots for the
6 various counties and forward them ballot layout to each of the several county
7 clerks.

8 (2) The sample ballot layout shall contain the proper office titles,
9 order of offices and ballot layout for the general election, with instruc-
10 tions for placement of candidates seeking election for federal, state,
11 legislative, county and precinct offices and candidates seeking judicial
12 office or retention. If a county is within more than one (1) legislative
13 district, the secretary of state shall provide instructions on the require-
14 ments for a separate ballot for each legislative district that is within the
15 county.

16 (3) The secretary of state shall ~~place~~ certify to the county clerks the
17 names and political party of the candidates qualified for placement on the
18 general election ballot for all federal, state and legislative district of-
19 ferences on the sample ballots, and by not later than the tenth day prior to the
20 general election along with any judicial candidates, by no later than the
21 ninth Friday prior to the general election.

22 (4) The secretary of state shall certify the ~~names of candidates who~~
23 have been name of a candidate being appointed by the appropriate central
24 committees to fill vacancies committee as provided by section 34-715, Idaho
25 Code, by no later than the next business day after the appointment is re-
26 ceived in the secretary of state's office, if received after the certifica-
27 tion of candidates to the county clerks under subsection (3) of this section.

28 SECTION 10. That Section 34-1002, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 34-1002. APPLICATION FOR ABSENTEE BALLOT. (1) Any registered elector
31 may make written application to the county clerk, or other proper officer
32 charged by law with the duty of issuing official ballots for such election,
33 for an official ballot or ballots of the kind or kinds to be voted at the elec-
34 tion. The application shall contain the name of the elector, the elector's
35 home address, county, and address to which such ballot shall be forwarded.

36 (2) In order to provide the appropriate primary election ballot to
37 electors, in the event a political party elects to allow unaffiliated elec-
38 tors to vote in that party's primary election pursuant to section 34-904A,
39 Idaho Code, the elector shall designate, as part of the written application
40 for a ballot for primary elections, the elector's party affiliation or des-
41 ignation as "unaffiliated." The application shall contain checkoff boxes
42 for "unaffiliated" electors by which such electors shall indicate for which
43 party's primary ballot the "unaffiliated" elector chooses to vote. Provided
44 however, that no political party's primary election ballot shall be provided
45 to an "unaffiliated" elector for a political party that has not elected to
46 allow "unaffiliated" electors to vote in that political party's primary
47 election pursuant to section 34-904A, Idaho Code. If an "unaffiliated"

1 elector does not indicate a choice of political party's primary election
2 ballot, the elector shall receive a nonpartisan ballot.

3 (3) In order to provide the appropriate primary election ballot to
4 electors, in the event one (1) or more political parties elect to allow elec-
5 tors affiliated with a different political party to vote in that party's
6 primary election, the application shall contain checkoff boxes by which such
7 electors may indicate the primary ballot in which the elector wishes to vote.

8 (4) For electors who are registered to vote as of January 1, 2012, and
9 who remain registered electors, the elector shall designate, as part of
10 the written application for a ballot for the 2012 primary elections, the
11 elector's party affiliation or designation as "unaffiliated." The appli-
12 cation shall contain checkoff boxes for "unaffiliated" electors by which
13 such electors shall indicate for which party's primary election ballot the
14 "unaffiliated" elector chooses to vote, pursuant to section 34-904A, Idaho
15 Code. Provided however, that no political party's primary election ballot
16 shall be provided to an "unaffiliated" elector for a political party that has
17 not elected to allow "unaffiliated" electors to vote in the party's primary
18 election pursuant to section 34-904A, Idaho Code. If an "unaffiliated"
19 elector does not indicate a choice of political party's primary election
20 ballot, the elector shall receive a nonpartisan ballot. After the 2012
21 primary election, the county clerk shall record the party affiliation or
22 "unaffiliated" designation so selected on the application for an absentee
23 ballot as part of such an elector's record within the voter registration
24 system as provided for in section 34-437A, Idaho Code.

25 (5) After the 2012 primary election, electors who remain registered
26 voters and who did not vote in the 2012 primary elections and who make written
27 application for an absentee ballot shall be designated as "unaffiliated"
28 electors as provided in section 34-404, Idaho Code, and such electors shall
29 be given the appropriate ballot for such "unaffiliated" designation pur-
30 suant to the provisions of this act.

31 (6) An elector may not change party affiliation or designation as "un-
32 affiliated" on an application for absentee ballot. For primary elections,
33 an elector may change party affiliation or designation as "unaffiliated" as
34 provided for in section 34-411A, Idaho Code.

35 (7) The application for an absent elector's ballot shall be signed
36 personally by the applicant. The application for a mail-in absentee bal-
37 lot shall be received by the county clerk not later than 5:00 p.m. on the
38 eleventh day before the election. An application for in-person absentee
39 voting at the absent elector's polling place described in section 34-1006,
40 Idaho Code, shall be received by the county clerk not later than 5:00 p.m.
41 on the Friday before the election. Application for an absentee ballot may
42 be made by using a facsimile machine or other electronic transmission. In
43 the event a registered elector is unable to vote in person at the elector's
44 designated polling place on the day of election because of an emergency
45 situation that rendered the elector physically unable, the elector may
46 nevertheless apply for an absent elector's ballot by notifying the county
47 clerk within ninety-six (96) hours prior to the closing of the polls. No
48 person may, however, be entitled to vote under an emergency situation unless
49 the situation claimed rendered the elector physically unable to vote at the

1 elector's designated polling place within ninety-six (96) hours prior to the
2 closing of the polls.

3 (8) A person may make application for an absent elector's ballot by use
4 of a properly executed federal ~~post-card~~ postcard application as provided
5 for in the laws of the United States known as uniformed and overseas cit-
6 izens absentee voting act (UOCAVA, 42 52 U.S.C. ~~1973 ff~~, 20301 et seq., as
7 amended). The issuing officer shall keep as a part of the records of such of-
8 ficer's office a list of all applications so received and of the manner and
9 time of delivery or mailing to and receipt of returned ballot.

10 (9) The county clerk shall, not later than seventy-five (75) days af-
11 ter the date of each general election, submit a report to the secretary of
12 state containing information concerning absentee voters as required by fed-
13 eral law.

14 SECTION 11. That Section 34-1003, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 34-1003. ISSUANCE OF ABSENTEE BALLOT. (1) Upon receipt of an applica-
17 tion for an absent elector's ballot within the proper time, the county clerk
18 receiving it shall examine the records of the county clerk's office to as-
19 certain whether or not such applicant is registered and lawfully entitled to
20 vote as requested and, if found to be so, the elector shall arrange for the
21 applicant to vote by absent elector's ballot.

22 (2) In the case of requests for primary ballots:

23 (a) Except as provided in ~~subsection (2)~~ paragraph (b) of this
24 subsection, an elector who has designated a political party affiliation
25 shall receive a primary ballot for that political party.

26 (b) An elector who has designated a political party affiliation pur-
27 suant to section 34-404, Idaho Code, may receive the primary election
28 ballot of a political party other than the political party such elector
29 is affiliated with if such other political party has provided notifica-
30 tion to the secretary of state that identifies the political party such
31 elector is affiliated with, as provided for in section 34-904A(2) (b),
32 Idaho Code.

33 (c) An "unaffiliated" elector shall receive the primary ballot for the
34 political party which the elector designated in the elector's appli-
35 cation for an absentee ballot pursuant to section 34-1002, Idaho Code.
36 Provided however, that a political party's ballot shall not be provided
37 to an "unaffiliated" elector where that political party has not elected
38 to allow "unaffiliated" electors to vote in such party's primary elec-
39 tion pursuant to section 34-904A, Idaho Code.

40 (d) If an "unaffiliated" elector does not indicate a choice of polit-
41 ical party's primary ballot, the elector shall receive a nonpartisan
42 ballot.

43 (3) The absentee ballot may be delivered to the absent elector in the
44 office of the county clerk, by postage prepaid mail or by other appropriate
45 means, including use of a facsimile machine or other electronic transmis-
46 sion. Validly requested absentee ballots for candidates for federal office,
47 where the request is received at least forty-five (45) days before an elec-
48 tion, shall be sent not later than forty-five (45) days before that election
49 to all electors who are entitled to vote by absentee ballot.

1 (4) Pursuant to the uniformed and overseas citizens absentee voting act
 2 (UOCAVA, ~~42 52~~ U.S.C. ~~1973 ff,~~ 20301 et seq., as amended) the secretary of
 3 state shall establish procedures for the transmission of blank absentee bal-
 4 lots by mail and by electronic transmission for all electors who are entitled
 5 to vote by absentee ballot under the uniformed and overseas citizens absen-
 6 tee voting act, and by which such electors may designate whether the elector
 7 prefers the transmission of such ballots by mail or electronically. If no
 8 preference is stated, the ballots shall be transmitted by mail. The secre-
 9 tary of state shall establish procedures for transmitting such ballots in a
 10 manner that shall protect the security and integrity of such ballots and the
 11 privacy of the elector throughout the process of transmission.

12 (5) A political party may supply a witness to accompany the clerk in the
 13 personal delivery of an absentee ballot. If the political party desires to
 14 supply a witness, it shall be the duty of the political party to supply the
 15 names of such witnesses to the clerk no later than ~~forty-fivesix~~ (456) days
 16 prior to the election. The clerk shall notify such witnesses of the date and
 17 approximate hour the clerk or deputy clerk intends to deliver the ballot.

18 (6) A candidate for public office or a spouse of a candidate for public
 19 office shall not be a witness in the personal delivery of absentee ballots.

20 (7) An elector physically unable to mark such elector's own ballot
 21 may receive assistance in marking such ballot from the officer delivering
 22 same or an available person of the elector's own choosing. In the event
 23 the election officer is requested to render assistance in marking an absent
 24 elector's ballot, the officer shall ascertain the desires of the elector and
 25 shall vote the applicant's ballot accordingly. When such ballot is marked by
 26 an election officer, the witnesses on hand shall be allowed to observe such
 27 marking. No county clerk, deputy, or other person assisting a disabled voter
 28 shall attempt to influence the vote of such elector in any manner.

29 SECTION 12. That Section 34-1405A, Idaho Code, be, and the same is
 30 hereby amended to read as follows:

31 34-1405A. WITHDRAWAL OF CANDIDACY. A candidate for nomination or can-
 32 didate for election to an office may withdraw from the election by filing a
 33 notarized statement of withdrawal with the officer with whom his declaration
 34 of candidacy was filed. The statement must contain all information neces-
 35 sary to identify the candidate and the office sought and the reason for with-
 36 drawal. A candidate may not withdraw later than ~~forty-fivesix~~ (456) days be-
 37 fore an election.

38 SECTION 13. That Section 34-1407, Idaho Code, be, and the same is hereby
 39 amended to read as follows:

40 34-1407. WRITE-IN CANDIDATES. (1) No write-in candidate for any non-
 41 partisan elective office shall be counted unless a declaration of intent has
 42 been filed indicating that the person desires the office and is legally qual-
 43 ified to assume the duties of the office. The declaration of intent shall be
 44 filed with the clerk of the political subdivision ~~not less than forty-five~~
 45 ~~(45) days by no later than the seventh Friday~~ before the date of the election.

46 (2) If the statutes governing elections within a specific political
 47 subdivision provide that no election shall be held in the event that no more

1 than one (1) candidate has filed for an office, that statute shall be inter-
 2 preted in such a manner as to allow for filing a declaration of intent for a
 3 write-in candidate until ~~forty-five (45) days~~ the seventh Friday preceding
 4 the election. However, if no candidate has filed within that time, no elec-
 5 tion shall be held for that political subdivision. The provisions of this
 6 section shall not apply to candidates in the primary or general election
 7 covered by the provisions of section 34-702A, Idaho Code.

8 SECTION 14. That Section 34-1703, Idaho Code, be, and the same is hereby
 9 amended to read as follows:

10 34-1703. FORM OF PETITION. (1) The recall petition for state officers
 11 other than members of the state legislature shall be in substantially the
 12 following form:

13 RECALL PETITION

14 To the ~~H~~Honorable...., Secretary of State for the State of Idaho:
 15 We, the undersigned citizens and registered electors of the State of
 16 Idaho respectfully demand that...., holding the office of...., be recalled
 17 by the registered electors of this state for the following reasons, ~~to-wit:~~
 18 (setting out the reasons for recall in ~~not~~ no more than 200 words) ~~+~~
 19 that a special election therefor be called; that we, each for himself say: I
 20 am a registered elector of the State of Idaho; my residence, address includ-
 21 ing city, and the date I signed this petition are correctly written after my
 22 name.

23	Signature	Printed Name	Residence	City	Date
24			Street and		
25			Number		

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

27 (2) The recall petition for members of the state legislature shall be in
 28 substantially the following form:

29 RECALL PETITION

30 To the ~~H~~Honorable...., Secretary of State for the State of Idaho:
 31 We, the undersigned citizens and registered electors of Legislative
 32 District No....., respectfully demand that...., holding the office of....,
 33 be recalled by the registered electors of Legislative District No..... for
 34 the following reasons, ~~to-wit:~~ (setting out the reasons for recall in ~~not~~ no
 35 more than 200 words) ~~+~~
 36 that a special election therefor be called; that we, each for himself say: I
 37 am a registered elector of Legislative District No....., my residence, ad-
 38 dress including city, and the date I signed this petition are correctly writ-
 39 ten after my name.

1 Signature Printed Name Residence City Date
 2 Street and
 3 Number

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

5 (3) The recall petition for county officers shall be in substantially
 6 the following form:

7 RECALL PETITION

8 To the ~~H~~Honorable....., County Clerk for the County of.....:
 9 We, the undersigned citizens and registered electors of the County
 10 of....., respectfully demand that....., holding the office of....., of the
 11 County of....., be recalled by the registered electors of the County of....
 12 for the following reasons, ~~to-wit:~~ (setting out the reasons for recall in
 13 ~~not~~ no more than 200 words) ~~;~~:
 14 that a special election therefor be called; that we, each for himself say: I
 15 am a registered elector of the County of....., my residence, address includ-
 16 ing city, and the date I signed this petition are correctly written after my
 17 name.

18 Signature Printed Name Residence City Date
 19 Street and
 20 Number

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

22 (4) The recall petition for city officers shall be in substantially the
 23 following form:

24 RECALL PETITION

25 To the ~~H~~Honorable....., City Clerk for the City of.....:
 26 We, the undersigned citizens and registered electors of the City
 27 of....., respectfully demand that....., holding the office of....., of the City
 28 of....., be recalled by the registered electors of the City of.... for the
 29 following reasons, ~~to-wit:~~ (setting out the reasons for recall in ~~not~~ no
 30 more than 200 words) ~~;~~:
 31 that a special election therefor be called; that we, each for himself say:
 32 I am a registered elector of the City of....., my residence, address includ-
 33 ing city, and the date I signed this petition are correctly written after my
 34 name.

35 Signature Printed Name Residence City Date
 36 Street and
 37 Number

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

1 (5) The recall petition for special district officers shall be in sub-
2 stantially the following form:

3 RECALL PETITION

4 To the ~~H~~Honorable...., County Clerk of the County of....:
5 We, the undersigned citizens and registered electors of (here insert
6 the official name of the district), respectfully demand that...., holding
7 the office of..., of the (district), be recalled by the registered electors
8 of the (district) for the following reasons, ~~to-wit:~~ (insert the reasons for
9 the recall in two hundred (200) words or less) ~~+~~:
10 that a special election therefor be called, that we, each for himself say:
11 I am a registered elector of the (district), my residence, address includ-
12 ing city, and the date I signed this petition are correctly written after my
13 name.

14 Signature Printed Name Residence City Date
15 Street and
16 Number

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

18 SECTION 15. That Section 34-1801A, Idaho Code, be, and the same is
19 hereby amended to read as follows:

20 34-1801A. PETITION. The following shall be substantially the form of
21 petition for any law proposed by the initiative:

22 WARNING

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

26 INITIATIVE PETITION

27 To the Honorable...., Secretary of State of the State of Idaho:
28 "We, the undersigned citizens and qualified electors of the State of
29 Idaho, respectfully demand that the following proposed law, ~~to-wit:~~ (set-
30 ting out full text of measure proposed) shall be submitted to the qualified
31 electors of the State of Idaho, for their approval or rejection at the regu-
32 lar general election, to be held on the.... day of...., A.D.,...., and each
33 for himself says: I have personally signed this petition; I am a qualified
34 elector of the State of Idaho; my residence and legislative district are
35 correctly written after my name.

36 Signature Printed Residence City Date Legislative
37 Name Street District

1 and Official
 2 Number use only
 3 (Here follow no more than twenty numbered lines for signatures.)

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

8 SECTION 16. That Section 34-1809, Idaho Code, be, and the same is hereby
 9 amended to read as follows:

10 34-1809. REVIEW OF INITIATIVE AND REFERENDUM MEASURES BY ATTORNEY
 11 GENERAL -- CERTIFICATE OF REVIEW PREREQUISITE TO ASSIGNMENT OF BALLOT TITLE
 12 -- BALLOT TITLE -- JUDICIAL REVIEW. (1) After receiving a copy of the peti-
 13 tion from the secretary of state as provided in section 34-1804, Idaho Code:

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

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

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

28 (2) Within fifteen (15) working days after the issuance of the certifi-
 29 cate of review, the petitioner, if he desires to proceed with his sponsor-
 30 ship, shall file the measure, as herein provided, with the secretary of state
 31 for assignment of a ballot title, and the secretary of state shall thereupon
 32 submit to the attorney general two (2) copies of the measure filed.

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

37 (b) A copy of the ballot title as prepared by the attorney general shall
 38 be furnished by the secretary of state with the approved form of any ini-
 39 tiative or referendum petition, as provided herein, to the person or
 40 persons or organization or organizations under whose authority the mea-
 41 sure is initiated or referred.

42 (c) The ballot titles shall be used and printed on the covers of the pe-
 43 tition when in circulation; the short title shall be printed in type not
 44 less than twenty (20) points on the covers of all such petitions circu-
 45 lated for signatures.

46 (d) The ballot title shall contain:

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

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

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

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

14 (3) Any person dissatisfied with the ballot title or the short title
15 provided by the attorney general for any measure, may appeal ~~from his deci-~~
16 ~~sion~~ to the supreme court by petition, praying for a different title and set-
17 ting forth the reason why the title prepared by the attorney general is in-
18 sufficient or unfair.

19 (a) No appeal shall be allowed from the decision of the attorney gen-
20 eral on a ballot title unless made within twenty (20) days after the bal-
21 lot title is filed in the office of the secretary of state; provided how-
22 ever, that this section shall not prevent any later judicial proceeding
23 to determine the sufficiency of such title, nor shall it prevent any ju-
24 dicial decision upon the sufficiency of such title.

25 (b) A copy of every such ballot title shall be served by the secretary
26 of state upon the person offering or filing such initiative or referen-
27 dum petition, or appeal. The service of the ballot title may be by mail,
28 ~~telegraph~~ or ~~facsimile~~ electronic transmission and shall be made forth-
29 with when it is received from the attorney general by the secretary of
30 state.

31 (c) The supreme court shall thereupon examine said measure, hear ar-
32 gument, and in its decision thereon certify to the secretary of state a
33 ballot title and a short title for the measure in accord with the intent
34 of this section. The secretary of state shall print on the official bal-
35 lot the title thus certified to him.

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

39 SECTION 17. An emergency existing therefor, which emergency is hereby
40 declared to exist, this act shall be in full force and effect on and after its
41 passage and approval.