

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 197

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 34-106, IDAHO CODE, TO REMOVE LAN-  
2 GUAGE REGARDING AN ELECTION TO FILL VACANCIES IN THE UNITED STATES HOUSE  
3 OF REPRESENTATIVES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
4 34-704, IDAHO CODE, TO PROVIDE FOR A DECLARATION OF CANDIDACY BY A CAN-  
5 DIDATE FOR FEDERAL OFFICE AND TO PROVIDE APPLICABILITY FOR A SPECIAL  
6 PRIMARY ELECTION; AMENDING SECTION 59-911, IDAHO CODE, TO PROVIDE THAT  
7 THE GOVERNOR SHALL APPOINT CERTAIN DATES FOR A SPECIAL PRIMARY ELECTION  
8 AND A SPECIAL GENERAL ELECTION TO FILL VACANCIES IN THE UNITED STATES  
9 HOUSE OF REPRESENTATIVES, TO PROVIDE FOR FILING DEADLINES AND NOTICE  
10 AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.  
11

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

13 SECTION 1. That Section 34-106, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 34-106. LIMITATION UPON ELECTIONS. On and after January 1, 2011,  
16 notwithstanding any other provisions of the law to the contrary, there shall  
17 be no more than two (2) elections conducted in any county in any calendar  
18 year, except as provided in this section, ~~and except that elections to fill~~  
19 ~~vacancies in the United States house of representatives shall be held as~~  
20 ~~provided in the governor's proclamation.~~

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

22 (a) The third Tuesday in May of each year; and

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

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

32 (d) In addition to the elections specified elsewhere in this section,  
33 a presidential primary shall be held on the second Tuesday in March in  
34 each presidential election year. Presidential primaries shall be held  
35 separately from other primary elections, which shall be held on the  
36 third Tuesday in May even in presidential election years.

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

40 (3) Candidates for office elected in November shall take office as  
41 provided in the constitution, or on January 1~~7~~ next succeeding the November  
42 election.

1 (4) The governing board of each political subdivision subject to the  
2 provisions of this section, which, prior to January 1, 2011, conducted an  
3 election for members of that governing board on a date other than a date per-  
4 mitted in subsection (1) of this section, shall establish as the election  
5 date for that political subdivision the date authorized in subsection (1) of  
6 this section ~~which~~ that falls nearest the date on which elections were previ-  
7 ously conducted, unless another date is established by law.

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

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

13 (7) Community colleges governed by chapter 21, title 33, Idaho Code,  
14 and school districts are subject to the limitations specified in subsection  
15 (1) of this section, except that school districts may also hold an election  
16 on the second Tuesday in March of each year and on the last Tuesday in August  
17 of each year on bonded indebtedness and property tax levy questions.

18 (8) Initiative, referendum, bond, levy and any other ballot question  
19 elections conducted by any political subdivision shall be held on the near-  
20 est date authorized in subsection (1) of this section ~~which~~ that falls more  
21 than sixty (60) days after the clerk of the political subdivision orders that  
22 such election shall be held in May and November of even-numbered years and  
23 fifty (50) days for all other elections, unless otherwise provided by law.  
24 City initiative and referendum elections shall be held in November of odd-  
25 numbered years as provided by section 34-1801B, Idaho Code. Ballot language  
26 for any question to be placed on the ballot shall be submitted to the county  
27 clerk at least sixty (60) days before the election held in May and November of  
28 even-numbered years and at least fifty (50) days for all other elections.

29 (9) Recall elections may be held on any of the four (4) dates authorized  
30 in subsections (1) and (7) of this section that fall more than forty-five  
31 (45) days after the clerk of the political subdivision orders that such elec-  
32 tion shall be held.

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

38 SECTION 2. That Section 34-704, Idaho Code, be, and the same is hereby  
39 amended to read as follows:

40 34-704. DECLARATION OF CANDIDACY. Any person legally qualified to  
41 hold such office is entitled to become a candidate and file his declara-  
42 tion of candidacy. Each political party candidate for precinct, state,  
43 federal, district or county office shall file his declaration of candidacy  
44 in the proper office between 8 a.m. on the twelfth Monday preceding the  
45 primary election, or special primary election if applicable, and 5 p.m. on  
46 the tenth Friday preceding the primary or special primary election. All  
47 political party candidates shall declare their party affiliation in their  
48 declaration of candidacy and shall be affiliated with a party at the time of  
49 filing. A candidate shall be deemed affiliated with the political party if

1 the candidate submits a party affiliation form along with the declaration  
 2 of candidacy to the filing official. The filing official shall reject any  
 3 declaration of candidacy for partisan office in a primary election from can-  
 4 didates who are not affiliated with a political party. Candidates for non-  
 5 partisan office shall file during the period provided for in this section.

6 Candidates who file a declaration of candidacy under a party name and  
 7 are not nominated at the primary election shall not be allowed to appear on  
 8 the general election ballot under any other political party name, nor as an  
 9 independent candidate.

10 Independent candidates shall file their declaration of candidacy in the  
 11 manner provided in section 34-708, Idaho Code.

12 SECTION 3. That Section 59-911, Idaho Code, be, and the same is hereby  
 13 amended to read as follows:

14 59-911. REPRESENTATIVE IN CONGRESS -- VACANCIES, HOW FILLED. (1)  
 15 Whenever any vacancy shall occur in the office of representative in congress  
 16 from the state, it shall be the duty of the governor to appoint ~~a day the~~  
 17 dates on which to hold an a special primary election and a special general  
 18 election, subject to fill such vacancy. The dates shall be selected from the  
 19 following four (4) election dates authorized under the provisions of section  
 20 34-106, Idaho Code, to fill such vacancy, and cause:

21 (a) The second Tuesday in March;

22 (b) The third Tuesday in May;

23 (c) The last Tuesday in August; or

24 (d) The Tuesday following the first Monday in November.

25 (2) Candidates to fill a vacancy in the office of representative in  
 26 congress shall comply with the filing deadlines provided in section 34-704,  
 27 Idaho Code.

28 (3) Notice of such the election to shall be given as required in sec-  
 29 tion ~~34-1406~~ 34-602, Idaho Code.

30 SECTION 4. An emergency existing therefor, which emergency is hereby  
 31 declared to exist, this act shall be in full force and effect on and after its  
 32 passage and approval.