

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 270

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO USE OF PUBLIC FUNDS IN BOND AND LEVY ELECTIONS; AMENDING TITLE
2 74, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 6, TITLE 74, IDAHO CODE,
3 TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO PROHIBIT THE
4 USE OF PUBLIC FUNDS IN BOND AND LEVY ELECTIONS, TO PROVIDE EXCEPTIONS TO
5 APPLICABILITY, TO PROVIDE FOR VIOLATIONS AND TO PROVIDE FOR A CHALLENGE
6 ON THE VALIDITY OF A BOND OR LEVY ELECTION.
7

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

9 SECTION 1. That Title 74, Idaho Code, be, and the same is hereby amended
10 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
11 ter 6, Title 74, Idaho Code, and to read as follows:

12 CHAPTER 6

13 GOVERNMENT NONINTERFERENCE IN BOND AND LEVY ELECTIONS ACT

14 74-601. SHORT TITLE. This act shall be known and may be cited as the
15 "Government Noninterference in Bond and Levy Elections Act."

16 74-602. LEGISLATIVE INTENT. The legislature finds that it violates
17 the public trust to have dedicated governmental resources diverted to direct
18 the outcome of an election. The legislature also finds that using public
19 funds or property to advocate particular outcomes is contrary to the princi-
20 ples of our republican form of government in protecting individual thought
21 rather than perpetuating government as its own special interest.

22 74-603. PUBLIC FUNDS IN BOND AND LEVY ELECTIONS PROHIBITED. (1) Pub-
23 lic funds and/or property may not be used by a government entity, its offi-
24 cers or agents in supporting, opposing, or promoting a bond or levy election
25 except as provided in subsections (2), (3) and (4) of this section.

26 (2) Public funds and property may be used to inform voters of elec-
27 tion-related information including, but not limited to: election noti-
28 fications as required by Idaho Code, dates and locations of forthcoming
29 elections, voter registration requirements, absentee and early voting de-
30 tails, individual communications regarding an opinion on the merits of the
31 election, and bond and levy disclosures pursuant to sections 34-439 and
32 34-439A, Idaho Code.

33 (3) For property tax proposals, nothing shall prohibit the use of pub-
34 lic funds or property to provide voters with the expected costs of the bond
35 or levy per one hundred thousand dollars (\$100,000) of taxable value and the
36 current tax per one hundred thousand dollars (\$100,000) of taxable value.

37 (4) Nothing in this chapter shall prohibit individuals from using pub-
38 lic grounds or facilities that are available to the general public for po-
39 litical purposes, nor does it prohibit public employees or elected officials

1 from exercising their right to free speech in advocating for or against a
2 bond or levy election.

3 74-604. VIOLATIONS. (1) The attorney general shall have the duty to
4 enforce this chapter.

5 (2) A public official in violation of this chapter is guilty of a misde-
6 meanor and may be fined up to one thousand dollars (\$1,000) and may be ordered
7 to pay restitution pursuant to section 19-5304, Idaho Code.

8 74-605. VALIDITY OF ELECTION CHALLENGED. (1) The attorney general,
9 a county prosecutor or a qualified elector of the applicable jurisdiction
10 shall have standing to challenge an election that involves a violation of
11 this section. A challenge to an election shall be filed by the attorney
12 general, a prosecutor or an elector and reviewed by the court pursuant to
13 chapter 20, title 34, Idaho Code.

14 (2) If the court finds that a violation of this section occurred, and
15 that it is more likely than not that the result of the election would have
16 been different had the violation not occurred, then the court shall order
17 that the election is null, void, and of no force and effect.