

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 303

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO INITIATIVES AND REFERENDUMS; AMENDING SECTION 34-1801A, IDAHO  
2 CODE, TO PROVIDE FOR CERTAIN INITIATIVE PETITION REQUIREMENTS AND TO  
3 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1802, IDAHO CODE,  
4 TO REVISE A PROVISION REGARDING GATHERING AND SUBMITTING SIGNATURES  
5 FOR AN INITIATIVE PETITION AND TO MAKE A TECHNICAL CORRECTION; AMEND-  
6 ING SECTION 34-1804, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE  
7 REQUIREMENTS OF EACH BALLOT MEASURE SIGNATURE SHEET AND TO MAKE A TECH-  
8 NICAL CORRECTION; AMENDING CHAPTER 18, TITLE 34, IDAHO CODE, BY THE  
9 ADDITION OF A NEW SECTION 34-1812, IDAHO CODE, TO PROVIDE REQUIREMENTS  
10 FOR A FISCAL IMPACT STATEMENT FOR A BALLOT INITIATIVE; AMENDING SECTION  
11 34-1812C, IDAHO CODE, TO PROVIDE FOR A FISCAL IMPACT STATEMENT SUMMARY  
12 IN THE VOTERS' PAMPHLET AND TO MAKE TECHNICAL CORRECTIONS; PROVIDING  
13 SEVERABILITY; AND DECLARING AN EMERGENCY.  
14

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

16 SECTION 1. That Section 34-1801A, Idaho Code, be, and the same is hereby  
17 amended to read as follows:

18 34-1801A. PETITION. (1) An initiative petition shall embrace only one  
19 (1) subject and matters properly connected with it.

20 (2) The initiative may contain an effective date, if passed, which  
21 shall not be sooner than July 1 of the year following the vote on the ballot  
22 initiative. If no effective date is specified in the petition, the effective  
23 date of an initiative that has been approved by the electorate shall be July  
24 1 of the following year.

25 (3) The sponsor of an initiative shall propose a funding source for the  
26 cost of implementing the measure. The proposed funding source information,  
27 along with the fiscal impact statement summary prepared by the division of  
28 financial management pursuant to section 34-1812, Idaho Code, shall accom-  
29 pany a copy of the initiative when it is circulated for signatures and filed  
30 with the secretary of state, but shall not formally be part of the initiative  
31 and shall have no binding effect.

32 (4) The following shall be substantially the form of petition for any  
33 law proposed by the initiative:

34 WARNING

35 It is a felony for anyone to sign any initiative or referendum petition with  
36 any name other than his own, or to knowingly sign his name more than once for  
37 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, to-wit: (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 twenty numbered lines for signatures.)

(5) 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.

SECTION 2. That Section 34-1802, Idaho Code, be, and the same is hereby amended to read as follows:

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~~ have received both the fiscal impact statement from the division of financial management and 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.

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

4           SECTION 3. That Section 34-1804, Idaho Code, be, and the same is hereby  
5 amended to read as follows:

6           34-1804. PRINTING OF PETITION AND SIGNATURE SHEETS. Before or at the  
7 time of beginning to circulate any petition for the referendum to the people  
8 on any act passed by the state legislature of the state of Idaho, or for any  
9 law proposed by the initiative, the person or persons or organization or or-  
10 ganizations under whose authority the measure is to be referred or initiated  
11 shall send or deliver to the secretary of state a copy of such petition duly  
12 signed by at least twenty (20) qualified electors of the state, which shall  
13 be filed by said officer in his office, and who shall immediately transmit  
14 a copy of the petition to the attorney general for the issuance of the cer-  
15 tificate of review as provided in section 34-1809, Idaho Code. All petitions  
16 for the initiative and for the referendum and sheets for signatures shall be  
17 printed on a good quality of bond or ledger paper in the form and manner as ap-  
18 proved by the secretary of state. To every sheet of petitioners' signatures  
19 shall be attached a full and correct copy of the measure so proposed by ini-  
20 tiative petition and a copy of the fiscal impact summary; but such petition  
21 may be filed by the secretary of state in numbered sections for convenience  
22 in handling. Every sheet of petitioners' signatures upon referendum peti-  
23 tions shall be attached to a full and correct copy of the measure on which the  
24 referendum is demanded, and may be filed in numbered sections in like man-  
25 ner as initiative petitions. Not more than twenty (20) signatures on one  
26 (1) sheet shall be counted. Each signature sheet shall contain signatures of  
27 qualified electors from only one (1) county.

28           SECTION 4. That Chapter 18, Title 34, Idaho Code, be, and the same is  
29 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
30 ignated as Section 34-1812, Idaho Code, and to read as follows:

31           34-1812. FISCAL IMPACT STATEMENTS. (1) A statement of fiscal impact  
32 shall be prepared for an initiative as provided in this section. A peti-  
33 tioner who desires to proceed with the sponsorship of an initiative shall,  
34 within fifteen (15) working days of receiving the certificate of review pro-  
35 vided for in section 34-1809, Idaho Code, provide a copy of the certificate  
36 of review and a copy of the initiative petition to the division of financial  
37 management. Within ten (10) working days of receiving the certificate of re-  
38 view and initiative petition, the division of financial management shall is-  
39 sue a fiscal impact statement in accordance with this section.

40           (2) The division of financial management, in consultation with any  
41 other appropriate state or local agency, shall prepare an unbiased, good  
42 faith statement of the fiscal impact of the law proposed by the initiative.  
43 The statement of fiscal impact may review the initiative sponsor's cost  
44 estimate required under section 34-1801A, Idaho Code, but shall then inde-  
45 pendently calculate and prepare a statement of fiscal impact that describes  
46 any projected increase or decrease in revenues, costs, expenditures, or in-  
47 debtedness that the state or local governments will experience if the ballot

1 measure is approved by the voters. The fiscal impact statement shall include  
 2 both immediate expected fiscal impacts and an estimate of any state or local  
 3 government long-term financial implications. A fiscal impact statement  
 4 must be written in clear and concise language and shall avoid legal and tech-  
 5 nical terms whenever possible. Where appropriate, a fiscal impact statement  
 6 may include both estimated dollar amounts and a description placing the es-  
 7 timated dollar amounts into context.

8 (3) A fiscal impact statement must include both a summary not to exceed  
 9 one hundred (100) words and a more detailed statement that includes the as-  
 10 sumptions that were made to develop the fiscal impacts. Fiscal impact state-  
 11 ments must be available online from the secretary of state's website no later  
 12 than August 1. The fiscal impact statement summary shall be circulated with  
 13 the petition when signatures are being gathered, and shall also be included  
 14 in the state voters' pamphlet and on the official ballot.

15 SECTION 5. That Section 34-1812C, Idaho Code, be, and the same is hereby  
 16 amended to read as follows:

17 34-1812C. VOTERS' PAMPHLET. (1) Not later than September 25 before any  
 18 regular general election at which an initiative or referendum measure is to  
 19 be submitted to the people, the secretary of state shall cause to be printed a  
 20 voters' pamphlet which shall contain the following:

21 (a) A complete copy of the title and text of each measure with the number  
 22 and form in which the ballot title thereof will be printed on the offi-  
 23 cial ballot;

24 (b) A copy of the fiscal impact statement summary; and

25 (c) A copy of the arguments and rebuttals for and against each state  
 26 measure.

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

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

34 (a) The pages of the pamphlet shall be ~~not~~ no smaller than 6 x 9 inches in  
 35 size;

36 (b) It shall be printed in clear, readable type, no less than 10-point,  
 37 except that the text of any measure may be set forth in no less than  
 38 7-point type;

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

41 (d) If the material described in subsections ~~(a) and (b)~~ (1) of this  
 42 section is combined in a single publication with constitutional amend-  
 43 ments, the entire publication shall be treated as a legal notice.

44 SECTION 6. SEVERABILITY. The provisions of this act are hereby declared  
 45 to be severable and if any provision of this act or the application of such  
 46 provision to any person or circumstance is declared invalid for any reason,  
 47 such declaration shall not affect the validity of the remaining portions of  
 48 this act.

1           SECTION 7. An emergency existing therefor, which emergency is hereby  
2 declared to exist, this act shall be in full force and effect on and after its  
3 passage and approval.