

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 391

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE PRIMARY ELECTION; AMENDING SECTION 34-102, IDAHO CODE, TO DELETE REFERENCE TO THE PRESIDENTIAL PRIMARY ELECTION; AMENDING SECTION 34-601, IDAHO CODE, TO DELETE REFERENCE TO THE PRESIDENTIAL PRIMARY ELECTION; AMENDING SECTION 34-713, IDAHO CODE, TO DELETE REFERENCE TO THE PRESIDENTIAL PRIMARY; REPEALING SECTIONS 34-731 THROUGH 34-739, IDAHO CODE, RELATING TO THE PRESIDENTIAL PRIMARY ELECTION; AMENDING SECTION 34-1205, IDAHO CODE, TO DELETE REFERENCE TO THE PRESIDENTIAL PREFERENCE PRIMARY; AMENDING SECTION 34-1208, IDAHO CODE, TO DELETE REFERENCE TO THE PRESIDENTIAL PRIMARY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 34-102, Idaho Code, be, and the same is hereby amended to read as follows:

34-102. "PRIMARY ELECTION" DEFINED -- PURPOSES. "Primary election" means an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties. Primary elections shall be held on the third Tuesday of May in each even-numbered year.

~~"Presidential primary" or "presidential preference primary" means an election held for the purpose of allowing voters to express their choice for candidates for nominations for president of the United States. Presidential primary elections shall be held in conjunction with the primary election, on the third Tuesday of May in each presidential election year.~~

SECTION 2. That Section 34-601, Idaho Code, be, and the same is hereby amended to read as follows:

34-601. DATES ON WHICH ELECTIONS SHALL BE HELD. Elections shall be held in this state on the following dates or times:

(1) A primary election shall be held on the third Tuesday in May, 2012, and every two (2) years thereafter on the above-mentioned Tuesday.

(2) A general election shall be held on the first Tuesday after the first Monday of November, 2012, and every two (2) years thereafter on the above-mentioned Tuesday.

(3) Special state elections shall be held on the dates ordered by the governor's proclamation, or as otherwise provided by law.

~~(4) A presidential primary shall be held in conjunction with the primary election, on the third Tuesday in May, 2012, and every four (4) years thereafter on the above-mentioned Tuesday.~~

SECTION 3. That Section 34-713, Idaho Code, be, and the same is hereby amended to read as follows:

1           34-713. PREPARATION OF PRIMARY BALLOTS. Upon receipt of the sample  
2 ballot and instructions from the secretary of state, each county clerk shall  
3 print and prepare the official primary ballots for the forthcoming election.  
4 The printing of the ballots shall be a county expense and paid out of the  
5 county treasury ~~except presidential preference primary ballots which shall~~  
6 ~~be paid for as provided in section 34-739, Idaho Code.~~

7           Each county clerk shall cause to be published on the earliest date pos-  
8 sible in May the names of all the political party candidates who shall ap-  
9 pear on the primary ballot ~~and the names of all political party candidates~~  
10 ~~who shall appear on the presidential preference primary ballot.~~ The names  
11 shall be listed alphabetically under each particular office title.

12           SECTION 4. That Section [34-731](#), Idaho Code, be, and the same is hereby  
13 repealed.

14           SECTION 5. That Section [34-732](#), Idaho Code, be, and the same is hereby  
15 repealed.

16           SECTION 6. That Section [34-733](#), Idaho Code, be, and the same is hereby  
17 repealed.

18           SECTION 7. That Section [34-734](#), Idaho Code, be, and the same is hereby  
19 repealed.

20           SECTION 8. That Section [34-735](#), Idaho Code, be, and the same is hereby  
21 repealed.

22           SECTION 9. That Section [34-736](#), Idaho Code, be, and the same is hereby  
23 repealed.

24           SECTION 10. That Section [34-737](#), Idaho Code, be, and the same is hereby  
25 repealed.

26           SECTION 11. That Section [34-738](#), Idaho Code, be, and the same is hereby  
27 repealed.

28           SECTION 12. That Section [34-739](#), Idaho Code, be, and the same is hereby  
29 repealed.

30           SECTION 13. That Section 34-1205, Idaho Code, be, and the same is hereby  
31 amended to read as follows:

32           34-1205. COUNTY BOARD OF CANVASSERS -- MEETINGS. The county board of  
33 commissioners shall be the county board of canvassers and the county clerk  
34 shall serve as their secretary for this purpose. The county board of can-  
35 vassers shall meet within seven (7) days after the primary ~~or presidential~~  
36 ~~preference primary~~ election and within ten (10) days after the general elec-  
37 tion for the purpose of canvassing the election returns of all precincts  
38 within the county.

39           SECTION 14. That Section 34-1208, Idaho Code, be, and the same is hereby  
40 amended to read as follows:

1           34-1208. CERTIFICATES OF NOMINATION OR ELECTION. Immediately after  
2 the primary election canvass the county clerk shall issue certificates of  
3 nomination to the political party candidates of each party who receive the  
4 highest number of votes for their particular county office, and the candi-  
5 dates so certified shall have their names placed on the general election  
6 ballot. On or before the eighth day after the primary election canvass, the  
7 county clerk shall issue certificates of election to the precinct commit-  
8 teemen of each political party who receive the highest number of votes in  
9 their precinct. Provided that to be elected, a precinct committeeman shall  
10 receive a minimum of five (5) votes. In the event no candidate receives the  
11 minimum number of votes required to be elected, a vacancy in the office shall  
12 exist and shall be filled as otherwise provided by law. The county clerk  
13 shall also certify by registered mail the results of ~~both~~ the primary and  
14 ~~the presidential primary~~ elections to the secretary of state. The form for  
15 such certificate shall be prescribed by the secretary of state and be uniform  
16 throughout the state.

17           SECTION 15. An emergency existing therefor, which emergency is hereby  
18 declared to exist, this act shall be in full force and effect on and after its  
19 passage and approval.