

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 392

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 34-102, IDAHO CODE, TO REVISE THE  
2 DATE ON WHICH PRIMARY ELECTIONS SHALL BE HELD AND TO DELETE REFERENCE  
3 TO THE PRESIDENTIAL PRIMARY ELECTION; AMENDING SECTION 34-106, IDAHO  
4 CODE, TO REVISE THE DATE ON WHICH CERTAIN ELECTIONS MAY BE HELD, TO PRO-  
5 VIDE THAT PRIMARY ELECTIONS SHALL BE HELD ON THE FIRST TUESDAY AFTER THE  
6 FIRST MONDAY IN AUGUST OF EACH EVEN-NUMBERED YEAR AND TO MAKE A TECH-  
7 NICAL CORRECTION; AMENDING SECTION 34-601, IDAHO CODE, TO REVISE THE  
8 DATE ON WHICH PRIMARY ELECTIONS SHALL BE HELD, TO DELETE REFERENCE TO  
9 THE PRESIDENTIAL PRIMARY ELECTION AND TO PROVIDE THAT ALL OTHER ELEC-  
10 TIONS SHALL BE HELD ON DATES PROVIDED IN A CERTAIN CODE SECTION; AMEND-  
11 ING SECTION 34-713, IDAHO CODE, TO DELETE REFERENCE TO A CERTAIN PUB-  
12 LICATION; REPEALING SECTIONS 34-731 THROUGH 34-739, IDAHO CODE, RELAT-  
13 ING TO THE PRESIDENTIAL PREFERENCE PRIMARY ELECTION; AMENDING SECTION  
14 34-1205, IDAHO CODE, TO REMOVE REFERENCE TO THE PRESIDENTIAL PREFERENCE  
15 PRIMARY ELECTION; AMENDING SECTION 34-1208, IDAHO CODE, TO REMOVE REF-  
16ERENCE TO THE PRESIDENTIAL PRIMARY ELECTION; AMENDING SECTION 21-806,  
17 IDAHO CODE, TO REVISE THE DATE ON WHICH A CERTAIN ELECTION SHALL BE HELD;  
18 AND DECLARING AN EMERGENCY.  
19

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

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

23 34-102. "PRIMARY ELECTION" DEFINED -- PURPOSES. "Primary election"  
24 means an election held for the purpose of nominating persons as candidates  
25 of political parties for election to offices, and for the purpose of elect-  
26 ing persons as members of the controlling committees of political parties.  
27 Primary elections shall be held on the ~~third first~~ first Tuesday ~~of May in~~ after the  
28 first Monday in August of each even-numbered year.

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

34 SECTION 2. That Section 34-106, Idaho Code, be, and the same is hereby  
35 amended to read as follows:

36 34-106. LIMITATION UPON ELECTIONS. On and after January 1, 2011,  
37 notwithstanding any other provisions of the law to the contrary, there shall  
38 be no more than two (2) elections conducted in any county in any calendar  
39 year, except as provided in this section, and except that elections to fill

1 vacancies in the United States house of representatives shall be held as  
2 provided in the governor's proclamation.

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

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

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

6 (c) In addition to the elections specified in paragraphs (a) and (b)  
7 of this subsection (1) and subsection (7) of this section, an emergency  
8 election may be called upon motion of the governing board of a political  
9 subdivision. An emergency exists when there is a great public calamity,  
10 such as an extraordinary fire, flood, storm, epidemic, or other disas-  
11 ter, or if it is necessary to do emergency work to prepare for a national  
12 or local defense, or it is necessary to do emergency work to safeguard  
13 life, health or property.

14 (2) Candidates for office elected in May or August shall take office  
15 on the date specified in the certificate of election but not more than sixty  
16 (60) days following the election.

17 (3) Candidates for office elected in November shall take office as  
18 provided in the constitution, or on January 1, next succeeding the November  
19 election.

20 (4) The governing board of each political subdivision subject to the  
21 provisions of this section, which, prior to January 1, 2011, conducted an  
22 election for members of that governing board on a date other than a date per-  
23 mitted in subsection (1) of this section, shall establish as the election  
24 date for that political subdivision the date authorized in subsection (1) of  
25 this section which falls nearest the date on which elections were previously  
26 conducted, unless another date is established by law.

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

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

32 (7) Community colleges governed by chapter 21, title 33, Idaho Code,  
33 and school districts are subject to the limitations specified in subsection  
34 (1) of this section, except that school districts may also hold an election  
35 on the second Tuesday in March of each year and on the ~~last~~ first Tuesday  
36 after the first Monday in August of each year on bonded indebtedness and  
37 property tax levy questions.

38 (8) Initiative, referendum, bond, levy and any other ballot question  
39 elections conducted by any political subdivision shall be held on the near-  
40 est date authorized in subsection (1) of this section which falls more than  
41 forty-five (45) days after the clerk of the political subdivision orders  
42 that such election shall be held, unless otherwise provided by law.

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

47 (10) Irrigation districts governed by title 43, Idaho Code, are subject  
48 to the limitations specified in subsection (1) of this section, except that  
49 irrigation districts may also hold an election on the first Tuesday in Febru-

1 ary of each year and on the first Tuesday in August of each year on questions  
2 required to be voted upon by title 43, Idaho Code.

3 (11) Primary elections shall be held on the first Tuesday after the  
4 first Monday in August of each even-numbered year.

5 SECTION 3. That Section 34-601, Idaho Code, be, and the same is hereby  
6 amended to read as follows:

7 34-601. DATES ON WHICH ELECTIONS SHALL BE HELD. Elections shall be  
8 held in this state on the following dates or times:

9 (1) A primary election shall be held on the ~~third~~ first Tuesday after  
10 the first Monday in May August, 2012, and every two (2) years thereafter on  
11 the above-mentioned Tuesday.

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

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

17 ~~(4) A presidential primary shall be held in conjunction with the pri-~~  
18 ~~mary election, on the third Tuesday in May, 2012, and every four (4) years~~  
19 ~~thereafter on the above-mentioned Tuesday~~ All other elections shall be held  
20 on the dates provided in section 34-106, Idaho Code.

21 SECTION 4. That Section 34-713, Idaho Code, be, and the same is hereby  
22 amended to read as follows:

23 34-713. PREPARATION OF PRIMARY BALLOTS. Upon receipt of the sample  
24 ballot and instructions from the secretary of state, each county clerk shall  
25 print and prepare the official primary ballots for the forthcoming election.  
26 The printing of the ballots shall be a county expense and paid out of the  
27 county treasury ~~except presidential preference primary ballots which shall~~  
28 ~~be paid for as provided in section 34-739, Idaho Code.~~

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

34 SECTION 5. That Sections 34-731 through 34-739, Idaho Code, be, and the  
35 same are hereby repealed.

36 SECTION 6. That Section 34-1205, Idaho Code, be, and the same is hereby  
37 amended to read as follows:

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

1 SECTION 7. That Section 34-1208, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

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

19 SECTION 8. That Section 21-806, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21 21-806. ELECTION OF BOARD OF TRUSTEES. At the next succeeding ~~primary~~  
22 May election in an even-numbered year following the creation of any such re-  
23 gional airport authority, the electors of each of the legislative districts  
24 within the participating counties within such region shall elect, on a non-  
25 partisan basis, a member of the authority's permanent board of trustees,  
26 hereinafter referred to as the board, except that in the northern and north  
27 central regions, one (1) additional board member shall be elected from each  
28 such region at large. At the first such election, members elected from  
29 even-numbered legislative districts, together with the member elected at  
30 large from the northern region and the member elected at large from the north  
31 central region, shall be elected for four (4) year terms of office, and mem-  
32 bers elected from odd-numbered legislative districts shall be elected for  
33 two (2) year terms of office. Thereafter all such members shall be elected  
34 for four (4) year terms of office, and shall serve until their successors  
35 are elected and qualified. The term of office of members so elected shall  
36 commence on December 1 of the year in which they were elected.

37 Notice of the election and the conduct thereof shall be as prescribed in  
38 chapter 14, title 34, Idaho Code. As a condition of voting, an elector shall  
39 meet the qualifications prescribed in section 34-402, Idaho Code, and in ad-  
40 dition shall be a resident of the regional airport authority.

41 In any election for member of the board, if after the deadline for fil-  
42 ing a declaration of intent as a write-in candidate, it appears that only  
43 one (1) qualified candidate has been nominated for that office, it shall not  
44 be necessary for the candidate to stand for election and the board shall de-  
45 clare such candidate elected as a member of the board and the secretary of the  
46 district shall immediately make and deliver to such person a certificate of  
47 election.

1           The person receiving the largest number of votes shall be declared  
2 elected. If it be necessary to resolve a tie between two (2) or more persons,  
3 the interim board or the permanent board, as the case may be, shall determine  
4 by lot which thereof shall be declared elected. The clerk of the board shall  
5 promptly notify any person by mail of his election, enclosing a form of oath  
6 to be subscribed by him as herein provided.

7           Elections held pursuant to this section shall coincide with other elec-  
8 tions held by the state of Idaho or any subdivision thereof, or any munici-  
9 pality or school district, subject to the provisions of sections 34-106 and  
10 34-1401, Idaho Code.

11           Elections of board members shall, after the first such election, be held  
12 every other year in even-numbered years, and shall be held on such uniform  
13 day consistent with the provisions of section 34-106, Idaho Code, as the  
14 board shall determine. Vacancies on the board shall be filled by appointment  
15 of remaining members, for the expiration of such term of office. The board  
16 members shall take and subscribe the oath of office required in the case of  
17 state officers and said oath shall be filed with the secretary of state. Mem-  
18 bers shall be reimbursed for actual and necessary expenses incurred in the  
19 performance of their official duties.

20           SECTION 9. An emergency existing therefor, which emergency is hereby  
21 declared to exist, this act shall be in full force and effect on and after its  
22 passage and approval.