

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 572

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CONSOLIDATION OF ELECTIONS; AMENDING SECTION 22-2721, IDAHO
2 CODE, TO REVISE PROCEDURES FOR ELECTION OF SUPERVISORS OF SOIL CON-
3 SERVATION DISTRICTS; AMENDING SECTION 34-217, IDAHO CODE, TO REVISE
4 THE YEARS CERTAIN COUNTY RECORDS MUST BE RETAINED AND TO MAKE A TECH-
5 NICAL CORRECTION; AMENDING SECTION 34-411, IDAHO CODE, TO REVISE
6 REQUIREMENTS FOR APPLICATION OF AN ELECTOR'S REGISTRATION AND TO MAKE
7 A TECHNICAL CORRECTION; AMENDING SECTION 34-411A, IDAHO CODE, TO RE-
8 VISE PROCEDURES FOR CHANGING PARTY AFFILIATION IN PRIMARY ELECTIONS;
9 AMENDING SECTION 34-704, IDAHO CODE, TO REVISE PROCEDURES REGARDING
10 DECLARATION OF CANDIDACY; AMENDING SECTION 34-903, IDAHO CODE, TO PRO-
11 VIDE THAT NO CANDIDATE'S NAME MAY APPEAR ON A BALLOT FOR MORE THAN ONE
12 PARTISAN OFFICE; AMENDING SECTION 34-1206, IDAHO CODE, TO REVISE WHAT
13 MUST BE INCLUDED IN THE BOARD OF COUNTY CANVASSER'S STATEMENT; AMENDING
14 SECTION 34-1702, IDAHO CODE, TO REVISE INFORMATION ON CERTAIN RECALL
15 PETITIONS; AMENDING SECTION 34-1707, IDAHO CODE, TO REVISE PROCE-
16 DURES REGARDING THE SUFFICIENCY OF A RECALL PETITION; AMENDING SECTION
17 34-2305, IDAHO CODE, TO REVISE BALLOT RECOUNT PROCEDURES; AMENDING
18 SECTION 34-2307, IDAHO CODE, TO PROVIDE THAT THE COUNTY PROSECUTING AT-
19 TORNEY FOR DISTRICT OFFICES SHALL REQUIRE A RECOUNT BE MADE WHEN CERTAIN
20 CIRCUMSTANCES OCCUR; AMENDING SECTION 34-2412, IDAHO CODE, TO REMOVE
21 LANGUAGE REGARDING COMPOSITION OF PRECINCT ELECTION BOARDS; AMENDING
22 SECTION 34-2413, IDAHO CODE, TO REVISE PROCEDURES FOR PREPARATION OF
23 VOTING MACHINES FOR USE; AMENDING SECTION 34-2424, IDAHO CODE, TO RE-
24 VISE PROCEDURES WHEN PAPER BALLOTS ARE USED IN CONJUNCTION WITH VOTING
25 MACHINES; AND DECLARING AN EMERGENCY.
26

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

28 SECTION 1. That Section 22-2721, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 22-2721. ELECTION, APPOINTMENT, QUALIFICATIONS AND TENURE OF SUPER-
31 VISORS. (1) The governing body of the district shall consist of five (5)
32 supervisors, elected or appointed as provided in this chapter. Elections
33 shall be conducted pursuant to the provisions of this section and the uniform
34 district election law, chapter 14, title 34, Idaho Code. If at any time the
35 supervisors of a district deem it necessary, they may request permission
36 from the state soil and water conservation commission to increase the num-
37 ber of supervisors to seven (7). Upon receipt of such a request in writing,
38 signed by all five (5) supervisors, stating a valid reason for such need, the
39 commission shall grant permission. The additional supervisors shall then
40 be appointed as outlined in this section until such time as regular district
41 elections for two (2) supervisors in each district. At that time those dis-
42 tricts having seven (7) supervisors shall then elect four (4) supervisors

1 for four (4) year terms. The two (2) supervisors appointed by the ~~commission~~
2 district shall be persons who are by training and experience qualified to
3 perform the specialized services which will be required of them in the per-
4 formance of their duties. All supervisors shall be landowners or farmers of
5 the district where they are elected or appointed and shall be registered to
6 vote in the state of Idaho.

7 (2) Within thirty (30) days after the date of issuance by the secretary
8 of state of a certificate of organization of a soil conservation district,
9 nominating petitions may be filed with the state soil and water conservation
10 commission to nominate candidates for supervisors of each district. The
11 county clerk shall conduct the election for the district in compliance with
12 chapter 14, title 34, Idaho Code, and shall be the election official for the
13 district. The election official shall have authority to extend the time
14 within which nominating petitions may be filed. Nominating petitions shall
15 be filed with the secretary of the district, and nNo such nominating petition
16 shall be accepted by the election official unless it shall be subscribed
17 by not less than five (5) persons who are qualified electors owning land or
18 residing within the boundaries of the district. The election official shall
19 give due notice of an election to be held, subject to the provisions of sec-
20 tion 34-106, Idaho Code, for the election of three (3) supervisors for the
21 district. The names of all nominees on behalf of whom such nominating pe-
22 titions have been filed within the time herein designated shall appear upon
23 ballots, with directions to choose three (3) names to indicate the voter's
24 preference. The three (3) candidates who shall receive the largest number,
25 respectively, of the votes cast in such election shall be the elected super-
26 visors for such district. The ~~commission shall pay all the expenses of such~~
27 election, which shall be supervised and conducted by the election official.

28 (3) All elections in districts shall be conducted by the county clerk.
29 Such election shall be held on the first Tuesday succeeding the first Monday
30 of November in each even-numbered year. Such elections shall be in com-
31 pliance with the provisions of chapter 14, title 34, Idaho Code, and shall
32 be supervised and conducted by the county clerk. The cost of conducting
33 such elections shall be borne by the county that conducted the election.
34 The county clerk shall certify to the ~~state~~ soil and water conservation
35 ~~commission~~ district the names of the elected supervisors. The ~~state~~ soil and
36 water conservation ~~commission~~ district shall issue certificates of election
37 to each elected supervisor so certified. The county clerk or county clerks
38 of the county or counties in which the district is located shall conduct
39 the election for the soil conservation district, and the county clerk must
40 provide a ballot for the district election and must provide a process that
41 allows only qualified electors of the district to vote in that district's
42 election.

43 (4) In any election for supervisor, if after the deadline for filing
44 a declaration of intent as a write-in candidate, it appears that the num-
45 ber of qualified candidates who have been nominated is equal to the number
46 of supervisors to be elected, it shall not be necessary for the candidates
47 to stand for election, and the board of supervisors shall declare such can-
48 didates elected as supervisors, and the ~~state~~ soil and water conservation
49 ~~commission~~ district shall immediately make and deliver to such persons cer-
50 tificates of election.

1 (5) The supervisors shall designate a chairman and may, from time to
2 time, change such designation. The term of office of each supervisor shall
3 be four (4) years commencing on the first day of January next following elec-
4 tion, except that the two (2) supervisors who are first appointed shall be
5 designated to serve for terms of two (2) years. A supervisor shall hold of-
6 fice until a qualified successor has been elected or appointed. Vacancies
7 shall be filled for the unexpired term. The selection of successors to fill
8 an unexpired term, or for a full term shall be made by a vote of the majority
9 of the supervisors duly qualified and acting at the time the vacancy shall
10 arise and the supervisors shall certify the name of the appointed supervisor
11 to the state soil and water conservation commission. ~~which~~ The soil conser-
12 vation district shall issue a certificate of such appointment.

13 (6) A majority of the supervisors shall constitute a quorum and the
14 concurrence of a majority in any matter within their duties shall be required
15 for its determination. A supervisor shall be entitled to expenses, in-
16 cluding travel expense, necessarily incurred in the discharge of duties. A
17 supervisor shall receive no compensation for services from regular district
18 funds, county funds authorized in section 22-2726, Idaho Code, or state
19 funds authorized in section 22-2727, Idaho Code.

20 (7) In the event the district has a special project, approved by the
21 state soil and water conservation commission, making project funds avail-
22 able from federal or other sources, a supervisor may receive compensation
23 not to exceed thirty-five dollars (\$35.00) per day plus actual and necessary
24 expenses from project funds for services directly related to the project.

25 (8) The supervisors may employ a secretary, technical experts, and such
26 other officers, agents, and employees, permanent and temporary as they may
27 require, and shall determine their qualifications, duties and compensation.
28 The supervisors may call upon the attorney general of the state for such le-
29 gal services as they may require or may employ their own counsel and legal
30 staff. The supervisors may delegate to their chairman, to one (1) or more
31 supervisors, or to one (1) or more agents, or employees, such powers and du-
32 ties as they may deem proper. The supervisors shall furnish to the state soil
33 and water conservation commission, upon request, copies of such ordinances,
34 rules, orders, contracts, forms and other documents as they shall adopt or
35 employ, and such other information concerning the supervisors' activities
36 as the commission may require in the performance of the commission's duties
37 under this chapter.

38 (9) The supervisors shall provide for the execution of surety bonds for
39 all employees and officers who shall be entrusted with funds or property;
40 they shall provide for the keeping of a full and accurate record of all pro-
41 ceedings and of all resolutions, and orders issued or adopted; and shall pro-
42 vide for independent financial audits in accordance with the provisions of
43 section 67-450B, Idaho Code. Supervisors shall be subject to recall in ac-
44 cordance with the provisions of chapter 17, title 34, Idaho Code.

45 (10) The supervisors may invite the legislative body of a municipality
46 or county located near the territory comprised within the district to desig-
47 nate a representative to advise and consult with the supervisors of the dis-
48 trict on all questions of program and policy which may affect the property,
49 water supply, or other interests of such municipality or county.

1 SECTION 2. That Section 34-217, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 34-217. RETENTION OF COUNTY ELECTION RECORDS. County election
4 records shall be maintained by the county clerk for the time periods outlined
5 in this section. Records shall be maintained for the period specified be-
6 ginning with the date the record is created or has become no longer valid,
7 whichever is greater.

8 (1) The following records shall be retained for not less than five (5)
9 years:

10 (a) Voter registration cards for electors whose registration has been
11 terminated.

12 (b) Combination election record and poll book.

13 (c) Declaration of candidacy.

14 (d) Maps of precinct boundaries with legal descriptions.

15 (e) List of absentee voters.

16 (2) The following shall be retained for two (2) years:

17 (a) Correspondence relating to an elector's voter registration.

18 (b) Completed absentee ballot request forms.

19 (c) Tally books.

20 (d) Voted ballots.

21 (e) Any ballots that were required to be duplicated before being
22 counted.

23 (3) The following shall be maintained for one (1) year:

24 ~~(a) Tally books.~~

25 ~~(b) Absentee ballot affidavit envelopes.~~

26 ~~(eb) Notice of election.~~

27 ~~(dc) Personal identification affidavit.~~

28 ~~(e) Voted ballots.~~

29 ~~(fd) Unvoted ballots from the primary election.~~

30 ~~(ge) Ballot tracking logs.~~

31 ~~(h) Any ballots that were required to be duplicated before being~~
32 ~~counted.~~

33 ~~(if) Automated tabulation election logs.~~

34 ~~(jg) Copy of the election definition and program used in tabulating~~
35 ~~ballots electronically and in the ballot marking device.~~

36 ~~(kh) Record of the number of ballots printed and furnished to each~~
37 ~~polling place.~~

38 (4) Other election supplies including, but not limited to, unused bal-
39 lots, official election stamps, and spoiled ballots may be disposed of sixty
40 (60) days following the deadline for requesting a recount or filing an elec-
41 tion contest pursuant to chapters 20 and 21, title 34, Idaho Code.

42 SECTION 3. That Section 34-411, Idaho Code, be, and the same is hereby
43 amended to read as follows:

44 34-411. APPLICATION FOR REGISTRATION -- CONTENTS. (1) Each elector
45 who requests registration shall supply the following information under oath
46 or affirmation:

47 (a) Full name and sex.

1 (b) Mailing address, residence address or any other necessary informa-
2 tion definitely locating the elector's residence.

3 (c) The period of time preceding the date of registration during which
4 the elector has resided in the state.

5 (d) Whether or not the elector is a citizen.

6 (e) That the elector is under no legal disqualifications to vote.

7 (f) The county and state where the elector was previously registered,
8 if any.

9 (g) Date of birth.

10 (h) Current driver's license number or identification card issued
11 by the Idaho transportation department. ~~;~~ In the absence of an Idaho
12 driver's license or state issued identification card, the last four (4)
13 digits of the elector's social security number.

14 (2) As provided for in section 34-404, Idaho Code, each elector shall
15 select an affiliation with a political party qualified to participate in
16 elections pursuant to section 34-501, Idaho Code, or select to be designated
17 as "unaffiliated." The selection of party affiliation or designation as
18 "unaffiliated" shall be maintained within the voter registration system as
19 provided for in section 34-437A, Idaho Code. If an elector shall fail or
20 refuse to make such a selection, the county clerk shall record as "unaffili-
21 ated" such elector within the voter registration system as provided for in
22 section 34-437A, Idaho Code.

23 (3) Any elector who shall supply any information under subsection (1)
24 of this section, knowing it to be false, is guilty of perjury.

25 (4) Each elector who requests registration may, at the elector's op-
26 tion, supply the elector's telephone number. If the telephone number is sup-
27 plied by the elector, the telephone number shall be available to the public.

28 SECTION 4. That Section 34-411A, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 34-411A. PRIMARY ELECTIONS -- CHANGING PARTY AFFILIATION -- UNAF-
31 FILIATED ELECTORS. (1) For a primary election, an elector may change such
32 elector's political party affiliation or become "unaffiliated" by filing
33 a signed form with the county clerk no later than the last day a candidate
34 may file for partisan political office prior to such primary election, as
35 provided for in section 34-704, Idaho Code. An "unaffiliated" elector may
36 affiliate with the party of the elector's choice by filing a signed form up
37 to and including election day. The application form described in section
38 34-1002, Idaho Code, shall also be used for this purpose.

39 (2) For a primary election, an "unaffiliated" elector may select a po-
40 litical party affiliation only prior to voting in the primary election. An
41 elector may make such selection on or before election day, by declaring such
42 political party affiliation to the poll worker or other appropriate election
43 personnel. The poll worker or other appropriate election personnel shall
44 then record in the poll book the elector's choice. After the primary elec-
45 tion, the county clerk shall record the party affiliation so recorded in the
46 poll book as part of such elector's record within the voter registration sys-
47 tem as provided for in section 34-437A, Idaho Code.

1 SECTION 5. That Section 34-704, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 34-704. DECLARATION OF CANDIDACY. Any person legally qualified to
4 hold such office is entitled to become a candidate and file his declaration
5 of candidacy. Each political party candidate for precinct, state, district
6 or county office shall file his declaration of candidacy in the proper office
7 between 8 a.m., on the twelfth Monday preceding the primary election and 5
8 p.m., on the tenth Friday preceding the primary election. All political
9 party candidates shall declare their party affiliation in their declara-
10 tion of candidacy, ~~except candidates for nonpartisan office~~ and shall be
11 affiliated with a party at the time of filing. A candidate shall be deemed
12 affiliated with the political party if the candidate submits a party affil-
13 iation form along with the declaration of candidacy to the filing official.
14 The filing official shall reject any declaration of candidacy for partisan
15 office in a primary election from candidates who are not affiliated with a
16 political party. Candidates for nonpartisan office shall file during the
17 period provided for in this section.

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

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

24 SECTION 6. That Section 34-903, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 34-903. SECRETARY OF STATE TO PRESCRIBE FORM AND CONTENTS OF ALL BAL-
27 LOTS AND RELATED DOCUMENTS. (1) The secretary of state shall, in a manner
28 consistent with the election laws of this state, prescribe the form for
29 all ballots, absentee ballots, diagrams, sample ballots, ballot labels,
30 voting machine labels or booklets, certificates, notices, declarations of
31 candidacy, affidavits of all types, lists, applications, poll books, tally
32 sheets, registers, rosters, statements and abstracts if required by the
33 election laws of this state.

34 (2) The secretary of state shall prescribe the arrangement of the mat-
35 ter to be printed on each kind of ballot and label, including:

36 (a) The placement and listing of all offices, candidates and issues
37 upon which voting is statewide, which shall be uniform throughout the
38 state.

39 (b) The listing of all other candidates required to file with him, and
40 the order of listing all offices and issues upon which voting is not
41 statewide.

42 (3) The names of candidates for legislative or special district offices
43 shall be printed only on the ballots and ballot labels furnished to voters of
44 such district.

45 (4) The names of candidates which appear on election ballots for fed-
46 eral, state, county and city offices shall be rotated in the manner deter-
47 mined by the secretary of state. The order of candidates for office in other
48 elections shall be determined by applying the first letter of each candi-

1 date's last name to a random alphabet selected prior to each election by the
2 secretary of state.

3 (5) No candidate's name may appear on a ballot for more than one (1)
4 partisan office, except that a candidate for precinct committeeman may seek
5 one (1) additional office upon the same ballot. The provisions of this sub-
6 section shall not apply to the election of electors of president and vice-
7 president of the United States.

8 SECTION 7. That Section 34-1206, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 34-1206. BOARD'S STATEMENT OF VOTES CAST. The board shall examine and
11 make a statement of the total number of votes cast for all candidates or spe-
12 cial questions that shall have been voted upon at the election. The state-
13 ment shall set forth the special questions and the names of the candidates
14 for whom the votes have been cast. It shall also include the total number of
15 votes cast for each candidate for office by precinct or polling location for
16 elections conducted pursuant to chapter 14, title 34, Idaho Code, and the to-
17 tal number of affirmative and negative votes cast for any special question by
18 precinct or polling location for elections conducted pursuant to chapter 14,
19 title 34, Idaho Code. The board shall certify that such statement is true,
20 subscribe their names thereto, and deliver it to the county clerk.

21 SECTION 8. That Section 34-1702, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 34-1702. REQUIRED SIGNATURES ON PETITION. A petition for recall of an
24 officer shall be instituted by filing with the appropriate official a veri-
25 fied written petition requesting such recall.

26 (1) If the petition seeks recall of any of the officers named in subsec-
27 tion (1) (a) of section 34-1701, Idaho Code, the petition shall be filed with
28 the secretary of state, and must be signed by registered electors equal in
29 number to twenty percent (20%) of the number of electors registered to vote
30 at the last general election held to elect a governor.

31 (2) If the petition seeks recall of any of the officers named in subsec-
32 tion (1) (b) of section 34-1701, Idaho Code, the petition shall be filed with
33 the secretary of state, and must be signed by registered electors of the leg-
34 islative district equal in number to twenty percent (20%) of the number of
35 electors registered to vote at the last general election held in the legisla-
36 tive district at which the member was elected.

37 (3) If the petition seeks recall of any of the officers named in subsec-
38 tion (2) (a) of section 34-1701, Idaho Code, the petition shall be filed with
39 the county clerk, and must be signed by registered electors of the county
40 equal in number to twenty percent (20%) of the number of electors registered
41 to vote at the last general election held in the county for the election of
42 county officers at which the officer was elected.

43 (4) If the petition seeks recall of any of the officers named in subsec-
44 tion (3) of section 34-1701, Idaho Code, the petition shall be filed with the
45 city clerk, and must be signed by registered electors of the city equal in
46 number to twenty percent (20%) of the number of electors registered to vote

1 at the last general city election held in the city for the election of offi-
2 cers.

3 (5) If the petition seeks recall of any of the officers named in subsec-
4 tion (4) of section 34-1701, Idaho Code, the petition shall be filed with the
5 county clerk of the county wherein the district is located. If the district
6 is located in two (2) or more counties, the clerk in each county shall perform
7 the functions within that county. The petition must be signed by registered
8 electors of the district or school trustee zone equal in number to fifty per-
9 cent (50%) of the number of electors who cast votes in the last election of
10 the district or school trustee zone. If no district election has been held in
11 the last six (6) years, the petition must be signed by twenty percent (20%) of
12 the number of electors registered to vote in the district or school trustee
13 zone at the time the petition is filed.

14 SECTION 9. That Section 34-1707, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 34-1707. SUFFICIENCY OF PETITION -- NOTIFICATION -- EFFECT OF RESIG-
17 NATION -- SPECIAL ELECTION. (1) In the event that a petition filed with the
18 secretary of state is found by the secretary of state to contain the required
19 number of certified signatures, the secretary of state shall promptly, by
20 certified mail, inform the officer being recalled, and the petitioner, that
21 the recall petition is in proper form.

22 (a) If the officer being recalled resigns his office within five (5)
23 business days after notice from the secretary of state, his resignation
24 shall be accepted and the resignation shall take effect on the day it is
25 offered, and the vacancy shall be filled as provided by law.

26 (b) If the officer being recalled does not resign his office within five
27 (5) business days after notice from the secretary of state, a special
28 election shall be ordered by the secretary of state, unless he is the of-
29 ficer being recalled, in which event the governor shall order such spe-
30 cial election. The special election must be held on the date prescribed
31 in section 34-106, Idaho Code. If the officer being recalled is one (1)
32 specified in section 34-1701(1) (a), Idaho Code, the special election
33 shall be conducted statewide. If the officer being recalled is one (1)
34 specified in section 34-1701(1) (b), Idaho Code, the special election
35 shall be conducted only in the legislative district.

36 (2) In the event that a petition filed with the county clerk is found
37 by the county clerk to contain the required number of certified signatures,
38 the county clerk shall promptly, by certified mail, inform the officer being
39 recalled, and the petitioner, that the recall petition is in proper form.

40 (a) If the officer being recalled resigns his office within five (5)
41 business days after notice from the county clerk, his resignation shall
42 be accepted and the resignation shall take effect on the day it is of-
43 fered, and the vacancy shall be filled as provided by law.

44 (b) If the officer being recalled does not resign his office within five
45 (5) business days after notice from the county clerk, a special election
46 shall be ordered by the county clerk. The special election must be held
47 on the date prescribed in section 34-106, Idaho Code. The special elec-
48 tion shall be conducted countywide.

1 (3) In the event that a petition filed with the county clerk concerning
 2 the recall of an official of a special district is found by the county clerk
 3 to contain the required number of certified signatures, the county clerk
 4 shall promptly, by certified mail, inform the officer being recalled, and
 5 the petitioner, and the governing board and election officials of the spe-
 6 cial district that the recall petition is in proper form.

7 (a) If the officer being recalled resigns his office within five (5)
 8 business days after notice from the county clerk, his resignation shall
 9 be accepted and the resignation shall take effect on the day it is of-
 10 ferred, and the vacancy shall be filled as provided by law.

11 (b) If the officer being recalled does not resign his office within five
 12 (5) business days after notice from the county clerk, a special election
 13 shall be ordered by the governing board of the special district. The
 14 special election must be held on the date prescribed in section 34-106,
 15 Idaho Code. The election shall be conducted by the ~~special district~~
 16 county clerk in the manner provided in section 34-1401, Idaho Code, ~~and~~
 17 ~~the special district may contract with the county clerk as provided in~~
 18 ~~section 34-1401, Idaho Code.~~

19 (4) In the event that a petition filed with a city clerk is found by the
 20 city clerk to contain the required number of certified signatures, the city
 21 clerk shall promptly, by certified mail, inform the officer being recalled,
 22 and the petitioner, that the recall petition is in proper form.

23 (a) If the officer being recalled resigns his office within five (5)
 24 business days after notice from the city clerk, his resignation shall be
 25 accepted and the resignation shall take effect on the day it is offered,
 26 and the vacancy shall be filled as provided by law.

27 (b) If the officer being recalled does not resign his office within five
 28 (5) business days after notice from the city clerk, a special election
 29 shall be ordered by the city clerk. The special election must be held on
 30 the date prescribed in section 34-106, Idaho Code. The ~~special~~ election
 31 shall be conducted by the county clerk in the manner provided in section
 32 34-1401, Idaho Code, and shall be conducted citywide.

33 (5) In the event that a petition is found not to have the required number
 34 of signatures, the officer shall continue in office and no new recall peti-
 35 tion may be circulated for a period of ninety (90) days against the same offi-
 36 cer.

37 SECTION 10. That Section 34-2305, Idaho Code, be, and the same is hereby
 38 amended to read as follows:

39 34-2305. MANNER OF RECOUNTING. At the time and place fixed for re-
 40 counting the ballots cast in any precinct all ballots shall be recounted in
 41 plain view of the candidates or their representatives, ~~and if the recount is~~
 42 ~~of a primary election the blank ballots shall be counted against the ballots~~
 43 ~~that were voted.~~ The recount shall commence at the time and place so ordered,
 44 and shall continue until the recount is finished and the results tabulated.
 45 The attorney general shall be the final authority concerning any question
 46 which arises during the recount for federal, state, county or municipal
 47 elections. The county prosecuting attorney shall be the final authority
 48 concerning any question that arises during the recount of other elections.

1 SECTION 11. That Section 34-2307, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 34-2307. WHEN GENERAL RECOUNT ORDERED. If the candidate or person who
4 requested the recount is relieved of the costs of the recount as described in
5 section 34-2306, Idaho Code, the attorney general, or the county prosecuting
6 attorney for district offices, shall require a recount to be made in all the
7 remaining precincts of the office in question. The state shall pay for a gen-
8 eral recount of a federal, state, or legislative district office, while the
9 county shall pay for a general recount of a county, city or district office.

10 SECTION 12. That Section 34-2412, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 34-2412. COMPOSITION OF PRECINCT ELECTION BOARDS. (1) The election
13 board of each election precinct in which a voting machine or vote tally sys-
14 tem is used shall consist of an election judge and one (1) or more clerks.
15 Each election board shall contain personnel representing all existing po-
16 litical parties if a list of applicants has been provided to the county clerk
17 by the precinct committeemen of the precincts at least sixty (60) days prior
18 to the primary election. The county clerk shall establish the number of
19 election board clerks.

20 (2) The qualifications and duties of election judges shall apply to the
21 appointment of election board clerks in counties or precincts where voting
22 machines or vote tally systems are used.

23 ~~(3) The board of county commissioners or the governing body of a city,~~
24 ~~district or other political subdivision, not later than forty (40) days be-~~
25 ~~fore an election, may create, unite, combine or divide one or more election~~
26 ~~precincts for the purpose of using one or more voting machines or vote tally~~
27 ~~systems therein at the election. The number of registered voters to be in-~~
28 ~~cluded in each of the election precincts shall be determined by such board of~~
29 ~~county commissioners or governing body of a city, district or other politi-~~
30 ~~cal subdivision.~~

31 SECTION 13. That Section 34-2413, Idaho Code, be, and the same is hereby
32 amended to read as follows:

33 34-2413. PREPARATION OF MACHINES FOR USE -- INSTRUCTIONS. (1) Before
34 each election at which voting machines or vote tally systems are to be used,
35 the county clerk of a county, ~~or the clerk of a city, district or other po-~~
36 ~~litical subdivision,~~ in which voting machines or vote tally systems are to be
37 used, shall cause them to be properly prepared and shall cause the election
38 board to be properly instructed in their use.

39 (2) For the purpose of giving such instruction, the county clerk shall
40 call the meeting or meetings of the election board that are necessary. Each
41 election board shall attend the meetings and receive the instruction neces-
42 sary for the proper conduct of the election with the machine or vote tally
43 system.

44 (3) No election board judge or clerk shall serve in any election at
45 which a voting machine or vote tally system is used unless he has received
46 the required instruction and is fully qualified to perform the duties in

1 connection with the machine or vote tally system; but this requirement shall
2 not prevent the appointment of an election board clerk to fill a vacancy in
3 an emergency.

4 SECTION 14. That Section 34-2424, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 34-2424. PAPER BALLOTS USED IN CONJUNCTION WITH VOTING MACHINES. In
7 any election where voting machines or vote tally systems are used:

8 (1) Paper ballots may be used to record the electors' votes for party
9 offices.

10 (2) Paper ballots may be used to record the electors' votes for or
11 against municipal candidates or measures.

12 (3) Paper ballots which are used in conjunction with voting machines
13 may be returned to the office of the county clerk for counting by spe-
14 cial counting boards. Ballots so counted shall be tallied and returned by
15 precinct or polling location for elections conducted pursuant to chapter 14,
16 title 34, Idaho Code.

17 (4) Ballots or ballot cards may be returned to the office of the county
18 clerk for counting.

19 (5) In the event that paper ballots are used in conjunction with vot-
20 ing machines or vote tally systems to record write-in votes, these paper bal-
21 lots may be returned to the office of the county clerk for counting by spe-
22 cial counting boards. Ballots so counted shall be tallied and returned by
23 precinct or polling location for elections conducted pursuant to chapter 14,
24 title 34, Idaho Code.

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