

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 574

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTION DISCLOSURES; AMENDING SECTION 34-913, IDAHO CODE, TO  
2 PROVIDE A REQUIREMENT FOR CERTAIN DISCLOSURES IN BOND ELECTIONS AND TO  
3 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-914, IDAHO CODE, TO  
4 PROVIDE A REQUIREMENT FOR CERTAIN DISCLOSURES IN LEVY ELECTIONS AND TO  
5 MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN  
6 EFFECTIVE DATE.  
7

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

9 SECTION 1. That Section 34-913, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 34-913. DISCLOSURES IN ELECTIONS TO AUTHORIZE BONDED INDEBTED-  
12 NESS. (1) Notwithstanding any other provision of law, on and after July  
13 1, 2021, any taxing district that proposes to submit any question to the  
14 electors of the district that would authorize any bonded indebtedness must  
15 provide a brief official statement setting forth in simple, understandable  
16 language information on the proposal substantially as follows:

17 (a) The purpose for which the bonds are to be used, including but not  
18 necessarily limited to a description of the facility or project that  
19 will be financed, in whole or in part, by the sale of the bonds; the date  
20 of the election; and the principal amount of the bonds to be issued;

21 (b) The anticipated interest rate on the proposed bonds based on cur-  
22 rent market rates and a maximum interest rate if a maximum is specified  
23 in the question to be submitted to electors;

24 (c) The total amount to be repaid over the life of the bonds based on the  
25 anticipated interest. Such total shall reflect three (3) components: a  
26 total of the principal to be repaid; a total of the interest to be paid;  
27 and the sum of both;

28 (d) The estimated average annual cost to the taxpayer of the proposed  
29 bond, in the format of "A tax of \$\_\_\_\_\_ per \$100,000 of taxable assessed  
30 value, per year, based on current conditions";

31 (e) The length of time, reflected in months or years, in which the pro-  
32 posed bonds will be paid off or retired; and

33 (f) The total existing indebtedness, including interest accrued, of  
34 the taxing district; and

35 (g) If the ballot question or official statement includes informa-  
36 tion regarding guaranteed state tax relief funds of a specific dollar  
37 amount, including school district facilities funds, and such state tax  
38 relief funds will expire at a future date, the ballot question or of-  
39 official statement shall disclose the year such state tax relief funds  
40 are scheduled to expire using the following language: "such state tax  
41 relief funds are currently only guaranteed through [insert year]". No  
42 ballot question or official statement shall include any information re-

1 garding state tax relief funds, unless a specific dollar amount of such  
 2 funds is guaranteed to the taxing district.

3 (2) (a) The formula for calculating the estimated average annual cost  
 4 to the taxpayer shall be as follows:

5  $((\text{Bond Total}/\text{Taxable Value}) \times 100,000)/\text{Duration} = \text{estimated average}$   
 6  $\text{annual cost to taxpayer; and}$

7 (b) The elements of which are defined as:

8 (i) "Bond total" means the total amount to be bonded, from subsec-  
 9 tion (1) (c) of this section as based on the anticipated interest  
 10 rate in subsection (1) (b) of this section;

11 (ii) "Duration" means the time, in years, ~~from~~ specified in sub-  
 12 section (1) (e) of this section; and

13 (iii) "Taxable value" means the most recent total taxable value  
 14 for property for the applicable taxing district, which shall be  
 15 obtained from the applicable county treasurer or assessor's of-  
 16 fice.

17 (3) The official statement must be made a part of the ballot ~~prior to and~~  
 18 placed above the location on the ballot where a person casts a vote and must  
 19 be included in the official notice of the election.

20 (4) In order to be binding, a ballot question to authorize a bond must  
 21 include the information and language required by this section in its offi-  
 22 cial statement.

23 (5) Any mass communication, whether in printed ~~form~~, audio, visual, or  
 24 electronic, form or any other medium, sent by a taxing district to twenty  
 25 (20) or more voters and any media presented by a taxing district for pub-  
 26 lic viewing, including posters, websites, or social media, regarding its  
 27 proposed bond must include the information required by subsection (1) (b)  
 28 through ~~(f)~~ (g) of this section.

29 (6) Upon a determination by a court, pursuant to section 34-2001A,  
 30 Idaho Code, that the taxing district failed to comply with the provisions  
 31 of this section, the court must declare the outcome of the ballot question  
 32 invalid and award court costs and fees to the prevailing party.

33 SECTION 2. That Section 34-914, Idaho Code, be, and the same is hereby  
 34 amended to read as follows:

35 34-914. DISCLOSURES IN ELECTIONS TO AUTHORIZE A LEVY. (1) Notwith-  
 36 standing any other provision of law, on and after July 1, 2021, any taxing  
 37 district that proposes to submit any question to the electors of the dis-  
 38 trict that would authorize any levy, except for the levies authorized for  
 39 the purposes provided in sections 63-802(1) (h) and 33-802(4), Idaho Code,  
 40 and except for levies relating to bonded indebtedness where section 34-913,  
 41 Idaho Code, applies, must include in the ballot question, or in a brief of-  
 42 ficial statement on the ballot but separate from the ballot question, a dis-  
 43 closure setting forth in simple, understandable language information on the  
 44 proposal substantially as follows:

45 (a) The purpose for which the levy shall be used; the date of the elec-  
 46 tion; and the dollar amount estimated to be collected each year from the  
 47 levy;

48 (b) The estimated average annual cost to the taxpayer of the proposed  
 49 levy, in the form of "A tax of \$ \_\_\_\_\_ per \$100,000 of taxable assessed

1 value, per year, based on current conditions." If the taxing district  
 2 proposing the levy has an existing levy of the same type that is set  
 3 to expire at the time that the proposed levy will begin, an additional  
 4 statement may be provided along the following lines: "The proposed levy  
 5 replaces an existing levy that will expire on \_\_\_\_\_ and that currently  
 6 costs \$\_\_\_\_\_ per \$100,000 of taxable assessed value." The statement  
 7 shall also disclose that, if the proposed levy is approved, the tax  
 8 per \$100,000 of taxable assessed value is either: (i) not expected to  
 9 change or (ii) is expected to increase or decrease the tax by \$\_\_\_\_\_ per  
 10 \$100,000 of taxable assessed value. The dollar amounts referenced in  
 11 this paragraph shall be calculated by multiplying the expected levy  
 12 rate by one hundred thousand dollars (\$100,000);

13 (c) The length of time, reflected in months or years, in which the pro-  
 14 posed levy will be assessed; ~~and~~

15 (d) If an existing levy is referenced, the expiration date of the levy  
 16 must also be provided; ~~and~~

17 (e) If the ballot question or official statement includes informa-  
 18 tion regarding guaranteed state tax relief funds of a specific dollar  
 19 amount, including school district facilities funds, and such state tax  
 20 relief funds will expire at a future date, the ballot question or of-  
 21 ficial statement shall disclose the year such state tax relief funds  
 22 are scheduled to expire using the following language: "such state tax  
 23 relief funds are currently only guaranteed through [insert year]". No  
 24 ballot question or official statement shall include any information re-  
 25 garding state tax relief funds, unless a specific dollar amount of such  
 26 funds is guaranteed to the taxing district.

27 (2) The information called for in subsection (1) of this section must  
 28 be placed immediately above the location on the ballot where a person casts  
 29 a vote and must also be included in like manner in the official notice of the  
 30 election.

31 (3) In order to be binding, a ballot question to authorize a levy must  
 32 include the information and language required by this section in its offi-  
 33 cial statement. The ballot question may not include other information or  
 34 language regarding any other bond, levy, or matter, whether previous, cur-  
 35 rent, or proposed, except as authorized under this section.

36 (4) Any mass communication, whether in printed ~~form~~, audio, visual, or  
 37 electronic, ~~form~~ or any other medium, sent by a taxing district to twenty  
 38 (20) or more voters and any media presented by a taxing district for public  
 39 viewing, including posters, websites, or social media, regarding its pro-  
 40 posed levy must include the information required by subsection (1) (b) and  
 41 (c) of this section.

42 (5) Upon a determination by a court, pursuant to section 34-2001A,  
 43 Idaho Code, that the taxing district failed to comply with the provisions  
 44 of this section, the court must declare the outcome of the ballot question  
 45 invalid and award court costs and fees to the prevailing party.

46 SECTION 3. An emergency existing therefor, which emergency is hereby  
 47 declared to exist, this act shall be in full force and effect on and after  
 48 July 1, 2024.