

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature Second Regular Session - 2018

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 639

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO BOND ELECTIONS; AMENDING SECTION 34-106, IDAHO CODE, TO PROVIDE THAT CERTAIN DISTRICT BOND ELECTIONS SHALL NOT BE HELD WITHIN ELEVEN MONTHS OF A FAILED BOND ELECTION WITHIN THE SAME DISTRICT; AND AMENDING SECTION 63-1309, IDAHO CODE, TO PROVIDE THAT CERTAIN DISTRICT BOND ELECTIONS SHALL NOT BE HELD WITHIN ELEVEN MONTHS OF A FAILED BOND ELECTION.

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

SECTION 1. That Section 34-106, Idaho Code, be, and the same is hereby amended to read as follows:

34-106. LIMITATION UPON ELECTIONS. On and after January 1, 2011, notwithstanding any other provisions of the law to the contrary, there shall be no more than two (2) elections conducted in any county in any calendar year, except as provided in this section, and except that elections to fill vacancies in the United States house of representatives shall be held as provided in the governor's proclamation.

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

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

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

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

(d) In addition to the elections specified elsewhere in this section, a presidential primary shall be held on the second Tuesday in March in each presidential election year. Presidential primaries shall be held separately from other primary elections, which shall be held on the third Tuesday in May even in presidential election years.

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

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

(4) The governing board of each political subdivision subject to the provisions of this section, which, prior to January 1, 2011, conducted an election for members of that governing board on a date other than a date permitted in subsection (1) of this section, shall establish as the election

1 date for that political subdivision the date authorized in subsection (1) of
 2 this section which falls nearest the date on which elections were previously
 3 conducted, unless another date is established by law.

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

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

9 (7) Community colleges governed by chapter 21, title 33, Idaho Code,
 10 and school districts are subject to the limitations specified in subsection
 11 (1) of this section, except that school districts may also hold an election
 12 on the second Tuesday in March of each year and on the last Tuesday in August
 13 of each year on bonded indebtedness and property tax levy questions.

14 (8) Except as otherwise provided, initiative, referendum, bond, levy
 15 and any other ballot question elections conducted by any political subdivi-
 16 sion shall be held on the nearest date authorized in subsection (1) of this
 17 section which falls more than sixty (60) days after the clerk of the politi-
 18 cal subdivision orders that such election shall be held in May and November
 19 of even-numbered years and fifty (50) days for all other elections, unless
 20 otherwise provided by law. City initiative and referendum elections shall
 21 be held in November of odd-numbered years as provided by section 34-1801B,
 22 Idaho Code. Ballot language for any question to be placed on the ballot shall
 23 be submitted to the county clerk at least sixty (60) days before the election
 24 held in May and November of even-numbered years and at least fifty (50) days
 25 for all other elections. Subject to the provisions of section 63-1309, Idaho
 26 Code, in the event that a bond election fails to be approved by the elec-
 27 tors of the district, no subsequent bond question of the same type or subject
 28 shall be submitted to the electors of the same district for a period of eleven
 29 (11) months from the date of the election that failed to approve the issuance
 30 of bonds.

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

35 (10) Irrigation districts governed by title 43, Idaho Code, are subject
 36 to the limitations specified in subsection (1) of this section, except that
 37 irrigation districts may also hold an election on the first Tuesday in Febru-
 38 ary of each year and on the first Tuesday in August of each year on questions
 39 required to be voted upon by title 43, Idaho Code.

40 SECTION 2. That Section 63-1309, Idaho Code, be, and the same is hereby
 41 amended to read as follows:

42 63-1309. SPECIAL TAXING DISTRICT OR BOND PROPOSAL DEFEATED IN ELEC-
 43 TION BARS SUBSEQUENT ELECTIONS FOR SPECIFIED TIME -- EXCEPTION -- BOARD OF
 44 EDUCATION MAY CONDUCT ELECTION -- MUNICIPALITIES, WATER OR SEWER DISTRICTS
 45 MAY CONDUCT BOND ELECTION. If any election has been held for the formation of
 46 any special taxing district, or for the approval of any bond issue ~~or other~~
 47 ~~proposal which that~~ would have resulted in a property tax levy, and the pro-
 48 posal submitted at such election was defeated, no subsequent election shall
 49 be held within ~~two (2)~~ eleven (11) months from and after the date of such

1 prior election for the same or a similar purpose in any district which in-
2 cludes any part of the area which was affected by the prior election. In the
3 event any school building is destroyed or rendered unusable for school pur-
4 poses by reason of fire, flood or other catastrophe, and a school bond elec-
5 tion for the purpose of the replacement of such building is prohibited by
6 the provisions of this section or by the provisions of section 34-106, Idaho
7 Code, the state board of education shall have the power to authorize an elec-
8 tion for such purpose by order based upon a finding of such facts. The provi-
9 sions of this section shall not apply to school elections held solely for de-
10 termining property tax levies for general school purposes not involving the
11 issuance of bonds. This time requirement between elections shall not apply
12 to municipalities or water and/or sewer districts when bond issues are be-
13 ing proposed for the installation or improvement of water supply systems or
14 public sewerage systems which have been deemed necessary by the Idaho state
15 board of health and welfare to bring such system or systems in conformance
16 with state statutes or rules of the state board of health and welfare.