

IN THE SENATE

SENATE BILL NO. 1108

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO INITIATIVE AND REFERENDUM ELECTIONS; AMENDING SECTION 34-1801A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE FORM OF CERTAIN PETITIONS; AMENDING SECTION 34-1804, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN SIGNATURE SHEETS; AMENDING SECTION 34-1805, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE NUMBER OF SIGNATURES REQUIRED ON CERTAIN PETITIONS; AND AMENDING SECTION 34-1807, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN PETITIONS AND SIGNATURE SHEETS AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 34-1801A, Idaho Code, be, and the same is hereby amended to read as follows:

34-1801A. PETITION. The following shall be substantially the form of petition for any law proposed by the initiative:

WARNING

It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure, or to sign such petition when he is not a qualified elector.

INITIATIVE PETITION

To the Honorable . . . ., Secretary of State of the State of Idaho:

"We, the undersigned citizens and qualified electors of the State of Idaho, respectfully demand that the following proposed law, to-wit: (setting out full text of measure proposed) shall be submitted to the qualified electors of the State of Idaho, for their approval or rejection at the regular general election, to be held on the . . . . day of . . . ., A.D., . . . ., and each for himself says: I have personally signed this petition; I am a qualified elector of the State of Idaho; my residence and ~~post office~~ legislative district are correctly written after my name.

Signature	Printed	Residence	City	<u>Legislative</u>	<u>Date</u>
	Name	Street	<del>or</del>	<u>District</u>	
		and	<del>Post</del>		
		Number	<del>Office</del>		

(Here follow twenty numbered lines for signatures.)

The petition for referendum on any act passed by the state legislature of the state of Idaho shall be in substantially the same form with appropriate title and changes, setting out in full the text of the act of the legislature to be referred to the people for their approval or rejection.

1 SECTION 2. That Section 34-1804, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 34-1804. PRINTING OF PETITION AND SIGNATURE SHEETS. Before or at the  
4 time of beginning to circulate any petition for the referendum to the people  
5 on any act passed by the state legislature of the state of Idaho, or for any  
6 law proposed by the initiative, the person or persons or organization or or-  
7 ganizations under whose authority the measure is to be referred or initiated  
8 shall send or deliver to the secretary of state a copy of such petition duly  
9 signed by at least twenty (20) qualified electors of the state which shall  
10 be filed by said officer in his office, and who shall immediately transmit  
11 a copy of the petition to the attorney general for the issuance of the cer-  
12 tificate of review as provided in section 34-1809, Idaho Code. All petitions  
13 for the initiative and for the referendum and sheets for signatures shall be  
14 printed on a good quality of bond or ledger paper in the form and manner as ap-  
15 proved by the secretary of state. To every sheet of petitioners' signatures  
16 shall be attached a full and correct copy of the measure so proposed by ini-  
17 tiative petition; but such petition may be filed by the secretary of state  
18 in numbered sections for convenience in handling. Every sheet of petition-  
19 ers' signatures upon referendum petitions shall be attached to a full and  
20 correct copy of the measure on which the referendum is demanded, and may be  
21 filed in numbered sections in like manner as initiative petitions. Not more  
22 than twenty (20) signatures on one (1) sheet shall be counted. Each signa-  
23 ture sheet shall contain signatures of qualified electors from only one (1)  
24 county and legislative district.

25 SECTION 3. That Section 34-1805, Idaho Code, be, and the same is hereby  
26 amended to read as follows:

27 34-1805. SPONSORS TO PRINT PETITION -- NUMBER OF SIGNERS REQUIRED. Af-  
28 ter the form of the initiative or referendum petition has been approved by  
29 the secretary of state as in sections 34-1801A through 34-1822, Idaho Code,  
30 provided, the same shall be printed by the person or persons or organization  
31 or organizations under whose authority the measure is to be referred or ini-  
32 tiated and circulated in the several counties of the state for the signatures  
33 of legal voters. Before such petitions shall be entitled to final filing and  
34 consideration by the secretary of state there shall be affixed thereto the  
35 signatures of legal voters equal in number to not less than six percent (6%)  
36 of the qualified electors at the time of the last general election in each of  
37 at least eighteen (18) legislative districts; provided however, the total  
38 number of signatures shall be equal to or greater than six percent (6%) of the  
39 qualified electors of the state at the time of the last general election.

40 SECTION 4. That Section 34-1807, Idaho Code, be, and the same is hereby  
41 amended to read as follows:

42 34-1807. CIRCULATION OF PETITIONS -- VERIFICATION OF PETITION AND  
43 SIGNATURE SHEETS -- COMPARISON OF SIGNATURES WITH REGISTRATION OATHS AND  
44 RECORDS -- CERTAIN PETITIONS AND SIGNATURES VOID. Any person who circulates  
45 any petition for an initiative or referendum shall be a resident of the state  
46 of Idaho and at least eighteen (18) years of age. Each and every sheet of

1 every such petition containing signatures shall be verified on the face  
2 thereof in substantially the following form, by the person who circulated  
3 said sheet of said petition, by his or her affidavit thereon, and as a part  
4 thereof:

5 State of Idaho,                    )  
6    )ss.  
7 County of ....                    )

8 I, ....., being first duly sworn, say: That I am a resident of the State  
9 of Idaho and at least eighteen (18) years of age: that every person who  
10 signed this sheet of the foregoing petition signed his or her name thereto  
11 in my presence: I believe that each has stated his or her name, ~~post-office~~  
12 ~~address~~ legislative district and residence correctly, that each signer is a  
13 qualified elector of the State of Idaho, and a resident of legislative dis-  
14 trict number .... in the county of .....

15 Signed.....  
16 Post-office address .....  
17 Subscribed and sworn to before me this .... day of .....  
18 (Notary Seal)                    Notary Public .....  
19    Residing at .....

20 In addition to said affidavit the county clerk shall carefully examine  
21 said petitions and shall attach to the signature sheets a certificate to the  
22 secretary of state substantially as follows:

23 State of Idaho                    )  
24    )ss.  
25 County of ....                    )

26 To the honorable ....., Secretary of State for the State of Idaho: I,  
27 ....., County Clerk of .... County, hereby certify that .... signatures on  
28 this petition are those of qualified electors in legislative district number  
29 .....

30 Signed.....  
31    County Clerk or Deputy.  
32 (Seal of office)

33 The county clerk shall deliver the petition or any part thereof to  
34 the person from whom he received it with his certificate attached thereto  
35 as above provided. The forms herein given are not mandatory and if sub-  
36 stantially followed in any petition, it shall be sufficient, disregarding  
37 clerical and merely technical error.

38 Any petition upon which signatures are obtained by a person not a resi-  
39 dent of the state of Idaho and at least eighteen (18) years of age, shall be  
40 void. The definition of resident in section 34-107, Idaho Code, shall apply  
41 to the circulators of initiative and referendum petitions. In addition to ~~to~~  
42 being a resident, a petition circulator shall be at least eighteen (18) years  
43 of age.