

IN THE SENATE

SENATE BILL NO. 1191

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO INITIATIVE AND REFERENDUM ELECTIONS; AMENDING SECTION 34-1801A,
2 IDAHO CODE, AS AMENDED IN SECTION 1 OF SENATE BILL NO. 1108, AS ENACTED
3 BY THE FIRST REGULAR SESSION OF THE SIXTY-SECOND IDAHO LEGISLATURE,
4 TO PROVIDE THAT THE DESIGNATION OF A LEGISLATIVE DISTRICT SHALL BE FOR
5 OFFICIAL USE ONLY; AMENDING SECTION 34-1804, IDAHO CODE, AS AMENDED
6 IN SECTION 2 OF SENATE BILL NO. 1108, AS ENACTED BY THE FIRST REGULAR
7 SESSION OF THE SIXTY-SECOND IDAHO LEGISLATURE, TO REMOVE A REQUIREMENT
8 THAT A CERTAIN SIGNATURE SHEET CONTAIN SIGNATURES OF QUALIFIED ELECTORS
9 FROM A LEGISLATIVE DISTRICT; AMENDING SECTION 34-1807, IDAHO CODE, AS
10 AMENDED IN SECTION 4 OF SENATE BILL NO. 1108, AS ENACTED BY THE FIRST
11 REGULAR SESSION OF THE SIXTY-SECOND IDAHO LEGISLATURE, TO REVISE PROVI-
12 SIONS RELATING TO CERTAIN PETITIONS AND SIGNATURE SHEETS; PROVIDING AN
13 EFFECTIVE DATE AND APPLICATION.
14

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

16 SECTION 1. That Section 34-1801A, Idaho Code, as amended in Section 1 of
17 Senate Bill No. 1108, as enacted by the First Regular Session of the Sixty-
18 second Legislature Idaho Legislature, be, and the same is hereby amended to
19 read as follows:

20 34-1801A. PETITION. The following shall be substantially the form of
21 petition for any law proposed by the initiative:

22 WARNING

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

26 INITIATIVE PETITION

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

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

1	Signature	Printed	Residence	City	Legislative	Date
2		Name	Street		<u>District</u>	<u>Legislative</u>
3			and		<u>Date</u>	<u>District</u>
4			Number			<u>Official</u>
5						<u>use only</u>

6 (Here follow twenty numbered lines for signatures.)

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

11 SECTION 2. That Section 34-1804, Idaho Code, as amended in Section 2 of
12 Senate Bill No. 1108, as enacted by the First Regular Session of the Sixty-
13 second Idaho Legislature, be, and the same is hereby amended to read as fol-
14 lows:

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

37 SECTION 3. That Section 34-1807, Idaho Code, as amended in Section 4 of
38 Senate Bill No. 1108, as enacted by the First Regular Session of the Sixty-
39 second Legislature Idaho Legislature, be, and the same is hereby amended to
40 read as follows:

41 34-1807. CIRCULATION OF PETITIONS -- VERIFICATION OF PETITION AND
42 SIGNATURE SHEETS -- COMPARISON OF SIGNATURES WITH REGISTRATION OATHS AND
43 RECORDS -- CERTAIN PETITIONS AND SIGNATURES VOID. Any person who circulates

1 any petition for an initiative or referendum shall be a resident of the state
2 of Idaho and at least eighteen (18) years of age. Each and every sheet of
3 every such petition containing signatures shall be verified on the face
4 thereof in substantially the following form, by the person who circulated
5 said sheet of said petition, by his or her affidavit thereon, and as a part
6 thereof:

7 State of Idaho)
8) ss.
9 County of....)

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

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

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

25 State of Idaho)
26) ss.
27 County of....)

28 To the honorable...., Secretary of State for the State of Idaho:
29 I, , County Clerk of.... County, hereby certify that.... signatures on
30 this petition are those of qualified electors in legislative district num-
31 ber.....

32 Signed.....
33 County Clerk or Deputy.
34 (Seal of office)

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

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

46 SECTION 4. This act shall be in full force and effect on and after July
47 1, 2013, and shall apply to those initiative or referendum petitions that
48 have been assigned a ballot title by the Attorney General on and after July
49 1, 2013, and those initiative or referendum petitions filed prior to July

1 1, 2013, shall have the provisions of Chapter 18, Title 34, Idaho Code, that
2 were in existence prior to July 1, 2013, apply to them.