

IN THE SENATE

SENATE BILL NO. 1268

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 34-702, IDAHO CODE, TO REVISE PRO-  
2 VISIONS REGARDING REQUIREMENTS FOR WRITE-IN CANDIDATES AT A PRIMARY  
3 ELECTION; AMENDING SECTION 34-702A, IDAHO CODE, TO REVISE PROVISIONS  
4 REGARDING A DECLARATION OF INTENT FOR WRITE-IN CANDIDATES; AMENDING  
5 SECTION 34-904, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DESIGN  
6 OF A PRIMARY ELECTION BALLOT; AMENDING SECTION 34-906, IDAHO CODE, TO  
7 REVISE PROVISIONS REGARDING THE DESIGN OF A GENERAL ELECTION BALLOT;  
8 AND AMENDING SECTION 34-1407, IDAHO CODE, TO REVISE PROVISIONS REGARD-  
9 ING DEADLINES FOR WRITE-IN CANDIDATES TO FILE A DECLARATION OF INTENT.  
10

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

12 SECTION 1. That Section 34-702, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14 34-702. REQUIREMENTS FOR WRITE-IN CANDIDATES AT PRIMARY. (1) In addi-  
15 tion to possessing all other qualifications, in order to become a candidate  
16 of a political party at the general election, those candidates whose names  
17 are written in at the primary election must:

18 (a) Receive at least the following number of write-in votes at the pri-  
19 mary election:

20 (1i) One thousand (1,000) for any statewide office;

21 (2ii) Five hundred (500) for a congressional district office;

22 (3iii) Fifty (50) for a legislative district office; or

23 (4iv) Five (5) for a county office; and

24 (b) File a declaration of candidacy intent for that office, and must  
25 pursuant to section 34-702A, Idaho Code.

26 (2) Candidates who are required to file with the secretary of state  
27 shall pay the filing fee required for that office within ten (10) days fol-  
28 lowing the primary election canvass; provided, however, that no later than  
29 the deadline for filing a declaration of intent pursuant to section 34-702A,  
30 Idaho Code, or for filing a petition pursuant to section 34-626, Idaho Code.

31 (3) No write-ins shall be allowed for judicial office.

32 SECTION 2. That Section 34-702A, Idaho Code, be, and the same is hereby  
33 amended to read as follows:

34 34-702A. DECLARATION OF INTENT FOR WRITE-IN CANDIDATES. (1) No  
35 write-in vote for any office in a primary, special, or general election shall  
36 be counted unless a declaration of intent has been filed indicating that the  
37 person desires the office and is legally qualified to assume the duties of  
38 said office if elected. The declaration of intent shall be filed with the  
39 secretary of state if for a federal, state, or legislative district office  
40 and with the county clerk if for a county office. Such declaration of intent

1 shall be filed not later than ~~twenty-eight (28) days~~ the eighth Friday before  
2 the day of election. The secretary of state shall prescribe the form for said  
3 declaration.

4 (2) In those counties which utilize optical scan ballots, an elector  
5 shall not place on the ballot a sticker bearing the name of a person, or use  
6 any other method or device, except writing, to vote for a person whose name is  
7 not printed on the ballot.

8 SECTION 3. That Section 34-904, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 34-904. PRIMARY ELECTION BALLOTS. (1) There shall be a separate pri-  
11 mary election ballot for each political party upon which its ticket shall  
12 be printed; however, a county may use a separate ballot for the office of  
13 precinct committeeman. All candidates who have filed their declarations of  
14 candidacy and are subsequently certified shall be listed under the proper  
15 office titles on their political party ticket. The secretary of state shall  
16 design the primary election ballot to allow for write-in candidates ~~under~~  
17 ~~each office title when needed.~~

18 (2) The office titles shall be listed in order beginning with the high-  
19 est federal office and ending with precinct offices. The secretary of state  
20 has the discretion and authority to arrange the classifications of offices  
21 as provided by law.

22 (3) It is not necessary to print a primary ballot for a political party  
23 which does not have candidates for more than half of the federal or statewide  
24 offices on the ballot if no more than one (1) candidate files for nomination  
25 by that party for any of the offices on the ballot. The secretary of state  
26 shall certify that no primary election is necessary for that party if such  
27 is the case and shall certify to the county clerk the names of candidates for  
28 that party for the general election ballot only.

29 SECTION 4. That Section 34-906, Idaho Code, be, and the same is hereby  
30 amended to read as follows:

31 34-906. BALLOTS FOR GENERAL ELECTIONS. (1) There shall be a single  
32 general election ballot on which the complete ticket of each political party  
33 shall be printed. Each political party ticket shall include that party's  
34 nominee for each particular office. The secretary of state shall design the  
35 general election ballot to allow for write-in candidates ~~under each office~~  
36 ~~title when needed.~~

37 (2) The office titles shall be listed in order beginning with the high-  
38 est federal office. The secretary of state has the discretion and authority  
39 to arrange the above classifications of offices as provided by law.

40 (3) At any general election at which the electors are to vote upon con-  
41 stitutional amendments or other issues, the secretary of state shall provide  
42 separate general election ballot forms on which such amendments and issues  
43 shall be printed.

44 SECTION 5. That Section 34-1407, Idaho Code, be, and the same is hereby  
45 amended to read as follows:

1           34-1407. WRITE-IN CANDIDATES. (1) No write-in candidate for any non-  
2 partisan elective office shall be counted unless a declaration of intent has  
3 been filed indicating that the person desires the office and is legally qual-  
4 ified to assume the duties of the office. The declaration of intent shall  
5 be filed with the clerk of the political subdivision by no later than the  
6 ~~seventh~~ eighth Friday before the date of the election.

7           (2) If the statutes governing elections within a specific political  
8 subdivision provide that no election shall be held in the event that no more  
9 than one (1) candidate has filed for an office, that statute shall be inter-  
10 preted in such a manner as to allow for filing a declaration of intent for a  
11 write-in candidate until the ~~seventh~~ eighth Friday preceding the election.  
12 However, if no candidate has filed within that time, no election shall be  
13 held for that political subdivision. The provisions of this section shall  
14 not apply to candidates in the primary or general election covered by the  
15 provisions of section 34-702A, Idaho Code.