

IN THE SENATE

SENATE BILL NO. 1350, As Amended in the House

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO BALLOT INITIATIVES; AMENDING SECTION 34-1802, IDAHO CODE, TO  
2 REVISE PROVISIONS REGARDING THE TIME FOR GATHERING SIGNATURES; AMEND-  
3 ING SECTION 34-1804, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR A PROPOSED  
4 FUNDING SOURCE AND FOR THE PREPARATION OF A FISCAL IMPACT STATEMENT SUM-  
5 MARY; AMENDING CHAPTER 18, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW  
6 SECTION 34-1812, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR A FISCAL IM-  
7 PACT STATEMENT FOR EACH STATEWIDE BALLOT INITIATIVE; AMENDING SECTION  
8 34-1812C, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE INFORMATION  
9 THAT SHALL BE INCLUDED IN A VOTER'S PAMPHLET AND TO MAKE TECHNICAL COR-  
10 RECTIONS; AND PROVIDING SEVERABILITY.  
11

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

13 SECTION 1. That Section 34-1802, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 34-1802. INITIATIVE PETITIONS -- TIME FOR GATHERING SIGNATURES --  
16 TIME FOR SUBMISSION OF SIGNATURES TO THE COUNTY CLERK -- TIME FOR FILING. (1)  
17 Except as provided in section 34-1804, Idaho Code, petitions for an initia-  
18 tive shall be circulated and signatures obtained beginning upon the date  
19 that the petitioners receive both the fiscal impact statement and the offi-  
20 cial ballot title from the secretary of state and extending eighteen (18)  
21 months from that date, or April 30 of the year of the next general election,  
22 whichever occurs earlier. The last day for circulating petitions and ob-  
23 taining signatures shall be the last day of April in the year an election on  
24 the initiative will be held.

25 (2) The person or persons or organization or organizations under whose  
26 authority the measure is to be initiated shall submit the petitions contain-  
27 ing signatures to the county clerk for verification pursuant to the provi-  
28 sions of section 34-1807, Idaho Code. The signatures required shall be sub-  
29 mitted to the county clerk not later than the close of business on the first  
30 day of May in the year an election on the initiative will be held, or eighteen  
31 (18) months from the date the petitioner receives the official ballot title  
32 from the secretary of state, whichever is earlier.

33 (3) The county clerk shall, within sixty (60) calendar days of the dead-  
34 line for the submission of the signatures, verify the signatures contained  
35 in the petitions, but in no event shall the time extend beyond the last day of  
36 June in the year an election on the initiative will be held.

37 (4) Initiative petitions with the requisite number of signatures at-  
38 tached shall be filed with the secretary of state not less than four (4)  
39 months before the election at which they are to be voted upon.

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

1           34-1804. INITIAL FILING OF BALLOT MEASURE -- PRINTING OF PETITION AND  
2 SIGNATURE SHEETS -- PROPOSED FUNDING AND FISCAL INFORMATION. (1) Before or  
3 at the time of beginning to circulate any petition for the referendum to the  
4 people on any act passed by the state legislature of the state of Idaho, or  
5 for any law proposed by the initiative, the person or persons or organiza-  
6 tion or organizations under whose authority the measure is to be referred or  
7 initiated shall send or deliver to the secretary of state a copy of such pe-  
8 tition duly signed by at least twenty (20) qualified electors of the state,  
9 which shall be filed by said officer in his office, and who shall immediately  
10 transmit a copy of the petition to the attorney general for the issuance of  
11 the certificate of review as provided in section 34-1809, Idaho Code.

12           (2) In the case of an initiative petition, the person or persons or  
13 organization or organizations under whose authority the measure is to be  
14 initiated shall propose a funding source for the cost of implementing the  
15 measure. The proposed funding source information shall accompany a copy of  
16 the initiative when the petition is initially filed with the secretary of  
17 state under subsection (1) of this section, and whenever the petition is cir-  
18 culated for signatures, but the proposed funding source information shall  
19 not formally be part of the initiative and shall have no binding effect.  
20 Upon receipt of the petition and the proposed funding source information,  
21 the secretary of state shall immediately transmit a copy of the petition and  
22 proposed funding source information to the division of financial management  
23 so that it may issue a statement of fiscal impact as provided in section  
24 34-1812, Idaho Code. The provisions of this subsection shall not apply to a  
25 city or county ballot initiative.

26           (3) All petitions for the initiative and for the referendum and sheets  
27 for signatures shall be printed on a good quality of bond or ledger paper in  
28 the form and manner as approved by the secretary of state. To every sheet  
29 of petitioners' signatures shall be attached a full and correct copy of the  
30 measure so proposed by initiative petition and a copy of the fiscal impact  
31 statement summary for the initiative, if applicable; but such petition may  
32 be filed by the secretary of state in numbered sections for convenience in  
33 handling. Every sheet of petitioners' signatures upon referendum petitions  
34 shall be attached to a full and correct copy of the measure on which the ref-  
35 erendum is demanded, and may be filed in numbered sections in like manner as  
36 initiative petitions. Not more than twenty (20) signatures on one (1) sheet  
37 shall be counted. Each signature sheet shall contain signatures of quali-  
38 fied electors from only one (1) county.

39           SECTION 3. That Chapter 18, Title 34, Idaho Code, be, and the same is  
40 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
41 ignated as Section 34-1812, Idaho Code, and to read as follows:

42           34-1812. FISCAL IMPACT STATEMENTS. (1) After receiving a copy of  
43 an initiative petition from the secretary of state as provided in section  
44 34-1804, Idaho Code, the division of financial management, in consultation  
45 with any other appropriate state or local agency, shall prepare an unbiased,  
46 good faith statement of the fiscal impact of the law proposed by the initia-  
47 tive. The division of financial management shall complete the fiscal impact  
48 statement and file it with the secretary of state's office within twenty (20)  
49 working days of having received the initiative petition from the secretary

1 of state's office. The secretary of state shall immediately transmit a copy  
2 of the fiscal impact statement to the person or persons who filed the initia-  
3 tive petition pursuant to section 34-1804, Idaho Code.

4 (2) A fiscal impact statement shall describe any projected increase or  
5 decrease in revenues, costs, expenditures, or indebtedness that the state or  
6 local governments will experience if the ballot measure is approved by the  
7 voters. The fiscal impact statement shall include both immediate expected  
8 fiscal impacts and an estimate of any state or local government long-term fi-  
9 nancial implications. A fiscal impact statement must be written in clear and  
10 concise language and shall avoid legal and technical terms whenever possi-  
11 ble. Where appropriate, a fiscal impact statement may include both esti-  
12 mated dollar amounts and a description placing the estimated dollar amounts  
13 into context.

14 (3) A fiscal impact statement must include both a summary of the fiscal  
15 impact statement, not to exceed one hundred (100) words, and a more detailed  
16 statement of fiscal impact that includes the assumptions that were made to  
17 develop the fiscal impact. When collecting signatures, a signature gath-  
18 erer shall offer a copy of the fiscal impact statement summary, along with  
19 a copy of the initiative and the sponsor's proposed funding source informa-  
20 tion, to the elector for review before signing. The fiscal impact statement  
21 summary and the sponsor's proposed funding source information shall also be  
22 published in the state voters' pamphlet and on the official ballot. The fis-  
23 cal impact statement summary, the detailed fiscal impact statement, and the  
24 sponsor's proposed funding source information shall be made available to the  
25 public on the secretary of state's website no later than August 1.

26 (4) The provisions of this section shall not apply to a city or county  
27 ballot initiative.

28 SECTION 4. That Section 34-1812C, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 34-1812C. VOTERS' PAMPHLET. (1) Not later than September 25 before any  
31 regular general election at which an initiative or referendum measure is to  
32 be submitted to the people, the secretary of state shall cause to be printed a  
33 voters' pamphlet which shall contain the following:

34 (a) A complete copy of the title and text of each measure with the number  
35 and form in which the ballot title thereof will be printed on the offi-  
36 cial ballot;

37 (b) A copy of the fiscal impact statement summary for a state measure;

38 (c) A copy of the sponsor's proposed funding source information for a  
39 state measure; and

40 (d) A copy of the arguments and rebuttals for and against each state  
41 measure.

42 (2) The secretary of state shall mail or distribute a copy of the vot-  
43 ers' pamphlet to every household in the state. Sufficient copies of the vot-  
44 ers' pamphlet shall also be sent to each county clerk. The county clerk and  
45 the secretary of state shall make copies of the voters' pamphlet available  
46 upon request.

47 (3) The voters' pamphlet shall be printed according to the following  
48 specifications:

- 1 (a) The pages of the pamphlet shall be not smaller than 6 x 9 inches in  
2 size;
- 3 (b) It shall be printed in clear, readable type, no less than 10-point,  
4 except that the text of any measure may be set forth in no less than  
5 7-point type;
- 6 (c) It shall be printed on a quality and weight of paper ~~which~~ that, in  
7 the judgment of the secretary of state, best serves the voters;
- 8 (d) If the material described in subsections ~~(a) and (b)~~ (1) of this  
9 section is combined in a single publication with constitutional amend-  
10 ments, the entire publication shall be treated as a legal notice.

11 SECTION 5. SEVERABILITY. The provisions of this act are hereby declared  
12 to be severable, and if any provision of this act or the application of such  
13 provision to any person or circumstance is declared invalid for any reason,  
14 such declaration shall not affect the validity of the remaining portions of  
15 this act.