

IN THE SENATE

SENATE BILL NO. 1382

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO INITIATIVE AND REFERENDUM ELECTIONS; REPEALING SECTION 34-1815,
2 IDAHO CODE, RELATING TO FALSE STATEMENTS CONCERNING A PETITION; AMEND-
3 ING CHAPTER 18, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
4 34-1815, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING UNLAWFUL TAC-
5 TICS FOR OBTAINING SIGNATURES TO A PETITION; AND AMENDING SECTION
6 34-1822, IDAHO CODE, TO REVISE PROVISIONS REGARDING PENALTIES.
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8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 34-1815, Idaho Code, be, and the same is hereby
10 repealed.

11 SECTION 2. That Chapter 18, Title 34, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
13 ignated as Section 34-1815, Idaho Code, and to read as follows:

14 34-1815. UNLAWFUL TACTICS FOR OBTAINING SIGNATURES. (1) For purposes
15 of this section, "petition" means an initiative petition or a referendum pe-
16 tition as mentioned in this chapter.

17 (2) It shall be a misdemeanor for a person to willfully or knowingly
18 make a false statement concerning the contents, purport or effect of a peti-
19 tion for the purpose of obtaining or attempting to obtain a signature to the
20 petition.

21 (3) It shall be a misdemeanor for a person to willfully or knowingly
22 make a misrepresentation concerning the contents, purport or effect of a pe-
23 tition for the purpose of obtaining or attempting to obtain a signature to
24 the petition.

25 (4) A person obtaining or attempting to obtain a signature to a petition
26 must show the petition's short title and general title, as described in sec-
27 tion 34-1809, Idaho Code, to the person whose signature is sought prior to
28 obtaining the signature. Willful or knowing failure to comply with the pro-
29 visions of this subsection is a misdemeanor.

30 (5) A signature is null and void if it is obtained following an act or
31 omission deemed a misdemeanor by the provisions of this section.

32 SECTION 3. That Section 34-1822, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 34-1822. PENALTY FOR VIOLATIONS. (1) Except as provided in subsec-
35 tions (2) and (3) of this section, aAny person, either as principal or agent,
36 violating any of the provisions of ~~sections 34-1801--34-1822~~ this chapter
37 shall be punished upon conviction by imprisonment in the penitentiary or in
38 the county jail not exceeding two (2) years, or by a fine not exceeding five
39 thousand dollars (\$5,000.00), or by both, ~~excepting that imprisonment in the~~

1 ~~penitentiary and punishment by a fine shall be the only penalty for such fine~~
2 ~~and imprisonment.~~

3 (2) Violation of any provision of section 34-1821, Idaho Code, shall
4 be punished upon conviction by imprisonment in the penitentiary not exceed-
5 ing two (2) years or by a fine not exceeding five thousand dollars (\$5,000),
6 or by both such fine and imprisonment.

7 (3) Violation of any provision of section 34-1815, Idaho Code, shall be
8 punished upon conviction by confinement in the county jail not exceeding one
9 (1) year or by a fine not exceeding one thousand dollars (\$1,000), or by both
10 such fine and confinement.