

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 58

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO SCHOOL BOND AND LEVY ELECTION DATES; AMENDING SECTION 34-106,
2 IDAHO CODE, TO REMOVE CERTAIN PROVISIONS REGARDING SCHOOL BOND AND LEVY
3 ELECTION DATES, TO PROVIDE A CORRECT CODE REFERENCE, AND TO MAKE TECHNICAL
4 CORRECTIONS; AND AMENDING SECTION 33-511, IDAHO CODE, TO PROVIDE A
5 CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EF-
6 FECTIVE DATE.
7

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

9 SECTION 1. That Section 34-106, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 34-106. LIMITATION UPON ELECTIONS. On and after January 1, 2011,
12 notwithstanding any other provisions of the law to the contrary, there shall
13 be no more than two (2) elections conducted in any county in any calendar
14 year, except as provided in this section or section ~~34-219~~ 34-220, Idaho
15 Code, and except that elections to fill vacancies in the United States house
16 of representatives shall be held as provided in the governor's proclamation.

17 (1) The dates on which elections may be conducted are:

18 (a) The third Tuesday in May of each year; and

19 (b) The Tuesday following the first Monday in November of each year.

20 (c) In addition to the elections specified in paragraphs (a) and (b) of
21 this subsection ~~and subsection (7) of this section~~, an emergency elec-
22 tion may be called upon motion of the governing board of a political sub-
23 division. An emergency exists when there is a great public calamity,
24 such as an extraordinary fire, flood, storm, epidemic, or other disaster,
25 or if it is necessary to do emergency work to prepare for a national
26 or local defense, or it is necessary to do emergency work to safeguard
27 life, health or property.

28 (d) In addition to the elections specified elsewhere in this section,
29 a presidential primary shall be held on the second Tuesday in March in
30 each presidential election year. Presidential primaries shall be held
31 separately from other primary elections, which shall be held on the
32 third Tuesday in May even in presidential election years.

33 (2) Candidates for office elected in May shall take office on the date
34 specified in the certificate of election but not more than sixty (60) days
35 following the election.

36 (3) Candidates for office elected in November shall take office as pro-
37 vided in the constitution, or on January 1 next succeeding the November elec-
38 tion.

39 (4) The governing board of each political subdivision subject to the
40 provisions of this section, which, prior to January 1, 2011, conducted an
41 election for members of that governing board on a date other than a date per-
42 mitted in subsection (1) of this section, shall establish as the election

1 date for that political subdivision the date authorized in subsection (1) of
 2 this section which falls nearest the date on which elections were previously
 3 conducted, unless another date is established by law.

4 (5) The secretary of state is authorized to provide such assistance as
 5 necessary, and to prescribe any needed rules or interpretations for the con-
 6 duct of election authorized under the provisions of this section.

7 (6) Water districts governed by chapter 6, title 42, Idaho Code, are ex-
 8 empt from the provisions of this section.

9 (7) Community colleges governed by chapter 21, title 33, Idaho Code,
 10 and school districts are subject to the limitations specified in subsection
 11 (1) of this section, ~~except that school districts may also hold an election~~
 12 ~~on the second Tuesday in March of each year and on the last Tuesday in August~~
 13 ~~of each year on bonded indebtedness and property tax levy questions.~~

14 (8) A city initiative or referendum election shall be held on the Tues-
 15 day following the first Monday in November of odd-numbered years. A county
 16 initiative or referendum election or a bond, levy and any other ballot ques-
 17 tion elections conducted by any political subdivision shall be held on the
 18 nearest date authorized in subsection (1) of this section ~~which that~~ falls
 19 more than sixty (60) days after the clerk of the political subdivision orders
 20 that such election shall be held in May or November of even-numbered years
 21 or more than fifty (50) days after the order for all other elections, unless
 22 otherwise provided by law. Ballot language for any question to be placed on
 23 the ballot shall be submitted to the county clerk at least sixty (60) days be-
 24 fore an election held in May or November of even-numbered years and at least
 25 fifty (50) days before all other elections.

26 (9) Recall elections may be held on ~~any of the four (4)~~ either of the
 27 two (2) dates authorized in subsections (1) and (7) of this section that fall
 28 more than forty-five (45) days after the clerk of the political subdivision
 29 orders that such election shall be held.

30 (10) Irrigation districts governed by title 43, Idaho Code, are subject
 31 to the limitations specified in subsection (1) of this section, except that
 32 irrigation districts may also hold an election on the first Tuesday in Febru-
 33 ary of each year and on the first Tuesday in August of each year on questions
 34 required to be voted upon by title 43, Idaho Code.

35 SECTION 2. That Section 33-511, Idaho Code, be, and the same is hereby
 36 amended to read as follows:

37 33-511. MAINTENANCE OF SCHOOLS. The board of trustees of each school
 38 district shall have the following powers and duties:

39 (1) Each elementary school district shall maintain at least one (1) el-
 40 elementary school, and each other school district shall maintain at least one
 41 (1) elementary school and one (1) secondary school;

42 (2) To employ necessary help and labor to maintain and operate the
 43 schools of the district;

44 (3) To discontinue any school within the district whenever it shall
 45 find such discontinuance to be in the best interests of the district and of
 46 the pupils therein. For the purposes of this section, discontinuing a school
 47 shall mean no longer maintaining a school of any kind, at the same location,
 48 except in the case of secondary units as herein provided.

1 (a) When any school proposed to be discontinued is one which was oper-
2 ated and maintained by a former district now wholly incorporated within
3 the boundaries of the district operated by said board of trustees, and,
4 immediately following reorganization and the dissolution of said for-
5 mer district, such school has been continuously operated and maintained
6 at the same location by the presently organized district, the following
7 procedures shall apply before discontinuing a school:

8 (i) The board of trustees must first give notice of such proposal
9 not later than the first day of June next preceding the date of the
10 proposed discontinuance. Such notice shall be posted, and pub-
11 lished once, in the manner provided in section 33-402, Idaho Code,
12 and shall identify the school proposed to be discontinued.

13 (ii) If, not later than the first day of July following the posting
14 and publishing of the notice of discontinuance, five (5) or more
15 qualified school district electors residing within the school
16 district shall petition the board of trustees for an election to be
17 held within the school district on the question of discontinuance
18 of that school, the board of trustees shall immediately order an
19 election to be held on the first available election date provided
20 by section 34-106(7), Idaho Code, that is at least fifty (50) days
21 following the date of said order and shall give notice of the elec-
22 tion.

23 (iii) Notice of such election shall be posted at or near the main
24 door of the school proposed to be discontinued and at or near the
25 main door of the administrative offices of the school district and
26 shall also be published in one (1) issue of a newspaper printed
27 in the county in which is situate the school proposed to be dis-
28 continued. The notice shall state the date the election is to be
29 held, the place of voting, and the hours between which the polls
30 shall be open. In addition, the notice of election shall describe
31 the area of the particular attendance unit of the school district
32 and shall identify the school proposed to be discontinued; and it
33 shall state that only qualified school district electors residing
34 within the school district may vote on the question of discontinu-
35 ing the school.

36 (iv) The election shall be held within the school district and
37 there shall be submitted to the electors a ballot containing the
38 proposal:

39 1. For discontinuing the school located at.....,

40 2. Against discontinuing the school located at.....

41 (v) If a majority of the qualified electors, as defined in this
42 section and voting in the election, shall vote against discontinu-
43 ing that school, then said school shall not be discontinued; and no
44 proposal to discontinue the same school shall be made by the board
45 of trustees of the district within nine (9) months after the date
46 of the election.

47 (vi) If a secondary unit which the trustees of a district pro-
48 pose to close is more than thirty (30) miles by all-weather road
49 from the attendance unit to which it is proposed to transfer such
50 students, then, notwithstanding other provisions of this section,

1 five (5) electors residing within the attendance area of the unit
2 proposed to be closed may, as provided by this section, petition
3 the board of trustees requesting an election to determine whether
4 or not such attendance unit, or any portion of it, shall be closed.
5 The board shall immediately call and hold an election as herein
6 provided. However, for the purpose of this section relating to the
7 secondary attendance unit thirty (30) miles or more distant from
8 another secondary attendance unit, only the patrons resident in
9 this attendance area shall be eligible to vote, except for atten-
10 dance units, or portions of them, created after January 1, 2002,
11 in which case qualified school district electors throughout the
12 school district shall be eligible to vote. The election shall be
13 deemed passed and the unit shall not be closed if a majority of
14 those voting in the election vote in favor of retaining the atten-
15 dance unit.

16 (b) The provisions of paragraph (a) of this subsection shall not apply
17 when:

- 18 (i) The administrator of the division of building safety has
19 determined that the school constitutes an imminent public safety
20 hazard and has issued an order or notice requiring the school dis-
21 trict superintendent, principal, board member or other person in
22 charge to cause all persons, except those necessary to eliminate
23 the condition, to be withdrawn from and to be restrained from en-
24 tering the school, pursuant to section 39-8008, Idaho Code; and
25 (ii) The school district board of trustees have voted at a public
26 meeting to discontinue the school.

27 SECTION 3. An emergency existing therefor, which emergency is hereby
28 declared to exist, this act shall be in full force and effect on and after
29 July 1, 2023.