

IN THE SENATE

SENATE BILL NO. 1186

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 34-102, IDAHO CODE, AS AMENDED IN
2 SECTION 1 OF HOUSE BILL NO. 138, IF ENACTED BY THE FIRST REGULAR SESSION
3 OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS REGARDING
4 THE DEFINITION OF A PRIMARY ELECTION; AMENDING SECTION 34-606, IDAHO
5 CODE, TO REVISE PROVISIONS REGARDING ELECTION OF PRESIDENTIAL ELECTORS
6 AND NOMINATION FOR PRESIDENT; AMENDING SECTION 34-703, IDAHO CODE,
7 TO REVISE PROVISIONS REGARDING NOMINATIONS AT PRIMARY; AMENDING SEC-
8 TION 34-1214, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTIFICATES
9 OF NOMINATION OR ELECTION TO FEDERAL, STATE, DISTRICT OR NONPARTISAN
10 OFFICES AFTER PRIMARY; AND DECLARING AN EMERGENCY AND PROVIDING AN EF-
11 FECTIVE DATE.
12

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

14 SECTION 1. That Section 34-102, Idaho Code, as amended in Section 1 of
15 House Bill No. 138, if enacted by the First Regular Session of the Sixty-sev-
16 enth Idaho Legislature, be, and the same is hereby amended to read as fol-
17 lows:

18 34-102. "PRIMARY ELECTION" DEFINED -- PURPOSES. "Primary election"
19 means an election held for the purpose of nominating persons as candidates
20 of political parties for election to offices, ~~and~~ for the purpose of elect-
21 ing persons as members of the controlling committees of political parties,
22 and for the purpose of allowing voters to express their choice of candidate
23 for nomination by a political party for president of the United States. Pri-
24 mary elections shall be held on the third Tuesday of May in each even-num-
25 bered year.

26 SECTION 2. That Section 34-606, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 34-606. ELECTION OF PRESIDENTIAL ELECTORS AND NOMINATION FOR PRESI-
29 DENT. (1) At the general election, 1972, and every four (4) years thereafter,
30 there shall be elected such a number of electors of president and vice pres-
31 ident of the United States as the state may be entitled to in the electoral
32 college.

33 (2) No person shall be elected to this position unless he has attained
34 the age of twenty-one (21) years at the time of the election, is a citizen of
35 the United States and shall have resided within the state two (2) years next
36 preceding his election.

37 (3) ~~Such electors~~ Electors shall be certified to the secretary of state
38 as provided ~~for by law in sections 34-711 and 34-711A, Idaho Code.~~

39 (4) For the primary election, any candidate for a political party par-
40 ticipating in the nomination for president of the United States shall file a

1 declaration of candidacy with the secretary of state and pay a filing fee of
2 two thousand dollars (\$2,000), by the last Friday in January preceding the
3 primary election. Such filing fee shall be deposited in the general fund.

4 (5) Participation in a primary for president of the United States by a
5 political party shall be optional, and nothing in this title shall be con-
6 strued to mandate a party's participation in a presidential primary. Any
7 party that intends to participate in the nomination of president shall no-
8 tify the secretary of state's office no later than the last Tuesday in Novem-
9 ber prior to the primary.

10 SECTION 3. That Section 34-703, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 34-703. NOMINATION AT PRIMARY. (1) All political party candidates for
13 president of the United States, for United States senator and representative
14 in congress, and all political party candidates for elective state, dis-
15 trict, and county offices, except candidates for judicial office, at general
16 elections shall be nominated at the primary elections, or shall have their
17 names placed on the general election ballot as provided by law, and shall
18 comply with the provisions of this act.

19 (2) All candidates for judicial office shall be nominated or elected at
20 the primary election, as provided by section 34-1217, Idaho Code.

21 (3) Independent candidates shall not be voted on at primary elections.

22 SECTION 4. That Section 34-1214, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 34-1214. CERTIFICATES OF NOMINATION OR ELECTION TO FEDERAL, STATE,
25 DISTRICT OR NONPARTISAN OFFICES AFTER PRIMARY. (1) Immediately after the
26 primary election canvass, the secretary of state shall issue certificates
27 of nomination to the political party candidates of each party who receive
28 the highest number of votes for their particular federal, state, or district
29 office. The candidates so certified shall have their names placed on the
30 general election ballot.

31 (2) Immediately after the primary election canvass, the secretary of
32 state shall certify to the state chair of each political party the number
33 of votes received by that party's candidates for president of the United
34 States. A winner shall be declared as prescribed by rule of the state and
35 national party.

36 ~~(2)~~ (3) Immediately after the primary election canvass, the secretary
37 of state shall issue certificates of nomination to the nonpartisan candi-
38 date or candidates who receive the highest number of votes for the number
39 of vacancies ~~which are~~ to be filled for a particular office and also to the
40 same number of candidates who receive the second highest number of votes for
41 the particular office. The candidates so certified shall have their names
42 placed on the general election ballot. If it appears from the canvass that a
43 particular candidate has received a majority of the total vote cast for the
44 particular office, he shall be issued a certificate of election instead of a
45 certificate of nomination and no candidates shall run for the particular of-
46 fice in the general election.

1 SECTION 5. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2023.