

IN THE SENATE

SENATE BILL NO. 1371

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 21-805, IDAHO CODE, TO REVISE PRO-
2 VISIONS REGARDING AN ELECTION DATE; AMENDING SECTION 22-4301, IDAHO
3 CODE, TO REVISE PROVISIONS REGARDING AN ELECTION DATE AND TO MAKE TECH-
4 NICAL CORRECTIONS; AMENDING SECTION 31-3908, IDAHO CODE, TO REVISE
5 PROVISIONS REGARDING AN ELECTION DATE; AMENDING SECTION 31-3911, IDAHO
6 CODE, TO REVISE PROVISIONS REGARDING AN ELECTION DATE; AMENDING SECTION
7 31-3915, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN ELECTION DATE;
8 AMENDING SECTION 33-2715, IDAHO CODE, TO REVISE PROVISIONS REGARD-
9 ING AN ELECTION DATE; AMENDING SECTION 33-2728, IDAHO CODE, TO REVISE
10 PROVISIONS REGARDING AN ELECTION DATE; AMENDING SECTION 34-102, IDAHO
11 CODE, TO REVISE A DEFINITION, TO DEFINE A TERM, AND TO MAKE TECHNICAL
12 CORRECTIONS; AMENDING SECTION 34-106, IDAHO CODE, TO REVISE PROVISIONS
13 REGARDING LIMITATIONS ON CERTAIN ELECTIONS AND TO PROVIDE A PRESI-
14 DENTIAL PRIMARY DATE; AMENDING SECTION 34-411A, IDAHO CODE, TO REVISE
15 PROVISIONS REGARDING CHANGING PARTY AFFILIATION FOR PRIMARY ELECTIONS;
16 AMENDING SECTION 34-601, IDAHO CODE, TO PROVIDE A PRESIDENTIAL PRIMARY
17 DATE; AMENDING SECTION 34-704, IDAHO CODE, TO REVISE PROVISIONS RE-
18 GARDING THE FILING DEADLINES FOR CANDIDATES FOR ELECTED OFFICE AND TO
19 PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 34-713, IDAHO CODE,
20 TO REVISE PROVISIONS REGARDING THE PREPARATION OF PRESIDENTIAL PRIMARY
21 BALLOTS; AMENDING CHAPTER 7, TITLE 34, IDAHO CODE, BY THE ADDITION OF A
22 NEW SECTION 34-731, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING PRES-
23 IDENTIAL PRIMARIES; AMENDING CHAPTER 7, TITLE 34, IDAHO CODE, BY THE AD-
24 DITION OF A NEW SECTION 34-732, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR
25 PRESIDENTIAL PRIMARY CANDIDATES; AMENDING CHAPTER 7, TITLE 34, IDAHO
26 CODE, BY THE ADDITION OF A NEW SECTION 34-733, IDAHO CODE, TO PROVIDE FOR
27 THE REMOVAL OF CANDIDATES FROM PRESIDENTIAL PRIMARY BALLOTS; AMENDING
28 CHAPTER 7, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-734,
29 IDAHO CODE, TO PROVIDE FOR VOTING IN A PRESIDENTIAL PRIMARY; AMENDING
30 CHAPTER 7, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-735,
31 IDAHO CODE, TO PROVIDE FOR PRESIDENTIAL PRIMARY RESULTS; AMENDING CHAP-
32 TER 7, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-736,
33 IDAHO CODE, TO PROVIDE FOR DELEGATES TO A NATIONAL CONVENTION; AMENDING
34 CHAPTER 7, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-737,
35 IDAHO CODE, TO PROVIDE FOR THE CONDUCT OF A PRESIDENTIAL PRIMARY ELEC-
36 TION; AMENDING CHAPTER 7, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW
37 SECTION 34-738, IDAHO CODE, TO PROVIDE FOR THE COSTS OF A PRESIDENTIAL
38 PRIMARY; AMENDING SECTION 34-904A, IDAHO CODE, TO REVISE PROVISIONS
39 REGARDING ELIGIBILITY TO VOTE IN PRIMARY ELECTIONS; AMENDING SECTION
40 34-1203A, IDAHO CODE, TO REVISE PROVISIONS REGARDING POSTELECTION
41 AUDITS OF SELECTED BALLOTS; AMENDING SECTION 34-1205, IDAHO CODE, TO
42 REVISE A PROVISION REGARDING MEETINGS OF A COUNTY BOARD OF CANVASSERS;
43 AMENDING SECTION 34-1404, IDAHO CODE, TO REVISE PROVISIONS REGARDING
44 AN ELECTION DATE; AMENDING SECTION 39-1330, IDAHO CODE, TO REVISE PRO-

1 VISIONS REGARDING AN ELECTION DATE; AMENDING SECTION 40-1305, IDAHO
2 CODE, TO REVISE A PROVISION REGARDING AN ELECTION DATE; AMENDING SEC-
3 TION 42-3211, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN ELECTION
4 DATE; AMENDING SECTION 63-802, IDAHO CODE, TO REVISE PROVISIONS REGARD-
5 ING AN ELECTION DATE; AMENDING SECTION 67-4911, IDAHO CODE, TO REVISE
6 A PROVISION REGARDING AN ELECTION DATE; AND DECLARING AN EMERGENCY AND
7 PROVIDING AN EFFECTIVE DATE.

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

9 SECTION 1. That Section 21-805, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 21-805. REGIONAL AIRPORT AUTHORITY -- ESTABLISHMENT BY ELECTION. A
12 regional airport authority may be established by the vote of the electors of
13 such region, voting at an election called and held as provided in chapter 14,
14 title 34, Idaho Code, with special provisions as provided in this chapter:

15 (a) A petition signed by not less than five percent (5%) of the electors
16 from each county in the region, describing the degree of percentage of finan-
17 cial participation of each such county in the district and the proposed loca-
18 tion of the regional airport, and praying for the organization of the region
19 as a regional airport authority, together with a true copy thereof, shall be
20 filed with the Idaho transportation department. Prior to filing such peti-
21 tion each clerk of the board of county commissioners of the counties in the
22 region shall verify the validity of the signatures within the county.

23 (b) Upon approval of the petition, the Idaho transportation department
24 shall advise the boards of county commissioners of the counties in the region
25 of the date of the election, which shall occur in ~~May~~ April of even-numbered
26 years, and each such board shall enter an order that an election be held for
27 the purpose of voting on the question of the creation of such regional air-
28 port authority. Notice of election shall be published, the election shall be
29 conducted and the returns thereof canvassed as required in title 34, Idaho
30 Code. Provided, however, as a condition of voting in such election, an elec-
31 tor shall meet the qualifications prescribed in section 34-402, Idaho Code,
32 and in addition shall be a resident of the proposed regional airport author-
33 ity. The ballot shall contain the words "Regional Airport Authority--Yes"
34 and "Regional Airport Authority--No," each followed by a box in which the
35 voter may express his choice by marking the ballot. The county clerk of each
36 county shall conduct such election and the county board of canvassers shall
37 canvass the returns thereof as though it were the only county in which such
38 election were being held. The returns of the election so canvassed shall be
39 certified promptly to the Idaho transportation department and if a majority
40 of all of the votes cast in three (3) or more contiguous counties be in the
41 affirmative, then the Idaho transportation department shall enter an order
42 declaring such regional airport authority established within the limits of
43 those counties that did vote in the affirmative, and shall certify such fact
44 to the board of county commissioners of each county in the region in which
45 an affirmative vote was cast. Counties which voted in the negative shall be
46 excluded from the regional airport authority and shall be so notified by the
47 Idaho transportation department. The cost of providing such election shall
48 be paid by the respective boards of county commissioners, from funds avail-

1 able to such county. Provided, however, if the interim board of trustees is
2 convinced that it would be impracticable for the three (3) contiguous coun-
3 ties to establish a regional airport authority, and so certifies to the Idaho
4 transportation department and the board of county commissioners of those
5 counties that did vote in the affirmative, the election shall be null and
6 void and the authority shall not be created.

7 SECTION 2. That Section 22-4301, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 22-4301. ESTABLISHMENT -- PETITION -- ELECTION. (1) The county com-
10 missioners of any county shall, upon petition signed by not less than fifty
11 (50) resident real property holders of said county, or any portion thereof,
12 which may exclude incorporated cities, undertake the following procedure to
13 determine the advisability of resolving to establish and maintain a weather
14 modification district within the county as may be designated in the peti-
15 tion.

16 (a) A petition to form a weather modification district shall be pre-
17 sented to the county clerk and recorder. The petition shall be signed
18 by not less than fifty (50) of the resident real property holders within
19 the proposed district. The petition shall designate the boundaries of
20 the district.

21 (b) The petition shall be filed with the county clerk and recorder of
22 the county in which the signers of the petition are located. Upon the
23 filing of the petition the county clerk shall examine the petition and
24 certify whether the required number of petitioners have signed the
25 petition. If the number of petition signers is sufficient, the clerk
26 shall transmit the petition to the board of county commissioners.

27 (c) Upon receipt of a duly certified petition the board of county com-
28 missioners shall give notice of an election to be held, subject to the
29 provisions of section 34-106, Idaho Code, in such proposed district
30 for the purpose of determining whether or not the proposed district
31 shall be organized and to elect the first board of trustees for the dis-
32 trict. Such notice shall include the date and hours of the election,
33 the polling places, the maximum percent of market value for assessment
34 purposes of taxable property within the district which the proposed
35 district will be permitted to levy, the general purposes of the pro-
36 posed district, a description of lands to be included in the proposed
37 district, a statement that a map of the proposed district is available
38 in the office of the board of county commissioners, and the names and
39 terms of the members to be elected to the first board of trustees. The
40 notice shall be published once each week for three (3) consecutive weeks
41 prior to such election, in a newspaper of general circulation within the
42 county.

43 (d) The election shall be held and conducted consistent with the pro-
44 visions of chapter 14, title 34, Idaho Code. The county clerk shall
45 appoint judges of election, one (1) of whom shall act as clerk for the
46 election. At such election the electors shall vote for or against
47 the organization of the district and the members of the first board of
48 trustees.

1 (e) The county clerk shall certify the returns of the election to the
 2 board of county commissioners. If a majority of the votes cast at said
 3 election are in favor of the organization, the board of county com-
 4 missioners shall declare the district organized and give it a name by
 5 which, in all proceedings, it shall thereafter be known, and shall fur-
 6 ther designate the first board of trustees elected, and thereupon the
 7 district shall be a legal taxing district.

8 (f) On the third Tuesday of ~~May~~ April, in the next odd-numbered calen-
 9 dar year after the organization of any district, and on the third Tues-
 10 day of ~~May~~ April every odd-numbered year thereafter, an election shall
 11 be held.

12 (2) At the election in any district hereafter organized, there shall
 13 be elected by the qualified electors of the district, two (2) members of the
 14 board to serve for a term of four (4) years; at the next odd-numbered year
 15 election, there shall be elected one (1) member of the board to serve for a
 16 term of four (4) years. Such election shall be held and conducted consistent
 17 with the provisions of chapter 14, title 34, Idaho Code.

18 (3) In any election for trustees, if after the deadline for filing a
 19 declaration of intent as a write-in candidate, it appears that only one (1)
 20 qualified candidate has been nominated for a trustee position, it shall
 21 not be necessary for the candidate to stand for election, and the board of
 22 trustees of the district shall declare such candidate elected as trustee,
 23 and the secretary of the district shall immediately make and deliver to such
 24 person a certificate of election.

25 SECTION 3. That Section 31-3908, Idaho Code, be, and the same is hereby
 26 amended to read as follows:

27 31-3908. AMBULANCE DISTRICT AUTHORIZED -- DISTRICTS FORMED BEFORE
 28 JULY 1, 2020. The provisions set forth in this section shall govern an ambu-
 29 lance district formed prior to July 1, 2020:

30 (1) The county commissioners of any county shall, upon petition signed
 31 by not less than fifty (50) qualified electors of said county, or any por-
 32 tion thereof, which may exclude incorporated cities, undertake the follow-
 33 ing procedure to determine the advisability of resolving to establish and
 34 maintain an ambulance service district within the county as may be desig-
 35 nated in the petition.

36 (a) A petition to form an ambulance service district shall be presented
 37 to the county clerk and recorder. The petition shall be signed by not
 38 less than fifty (50) of the resident real property holders within the
 39 proposed district. The petition shall designate the boundaries of the
 40 district.

41 (b) The petition shall be filed with the county clerk and recorder of
 42 the county in which the signers of the petition are located. Upon the
 43 filing of the petition, the county clerk shall examine the petition
 44 and certify whether the required number of petitioners have signed the
 45 petition. If the number of petition signers is sufficient, the clerk
 46 shall transmit the petition to the board of county commissioners.

47 (c) Upon receipt of a duly certified petition, the board of county com-
 48 missioners shall cause the text of the petition to be published once a
 49 week for at least three (3) consecutive weeks in a newspaper of general

1 circulation within the county. With the publication of the petition,
2 there shall be published a notice of the time of the meeting of the board
3 of county commissioners when the petition will be considered stating
4 that all persons interested may appear and be heard. No more than five
5 (5) names attached to the petition shall appear in the publication and
6 notice, but the number of signatures shall be stated.

7 At the time of filing the petition, the sponsors thereof shall cause
8 to be deposited with the county clerk a sufficient sum of money to cover
9 the cost of publication of the petition and all necessary notices. If
10 the petition and notices are not published, the deposit shall be re-
11 turned to whomever deposited the funds, and if there is any surplus
12 remaining after paying for the publication as herein provided, it shall
13 be returned to the original depositors, and if a district is created,
14 the fees so expended are an obligation of the district and shall be re-
15 paid by the district to the depositors.

16 (d) At the time set for hearing the petition, the board of county com-
17 missioners shall hear all persons who desire to be heard relative to the
18 creation of an ambulance service district. The board of county commis-
19 sioners may, if they so desire and it appears desirable, adjourn the
20 meeting for not to exceed thirty (30) days to further hear the petition-
21 ers and protestants, if any. After the hearing or hearings, the board
22 of county commissioners shall adopt a resolution either creating the
23 proposed ambulance service district or denying the petition. When the
24 board of county commissioners creates an ambulance service district,
25 the board shall adopt a resolution describing the boundaries of the dis-
26 trict.

27 (e) When the board of county commissioners adopts the resolution creat-
28 ing the ambulance service district, the board shall include in the reso-
29 lution the name of the district and file a copy of the order creating the
30 district with the county clerk and recorder, for which the clerk shall
31 receive a fee of three dollars (\$3.00).

32 (f) Procedures for annexation, deannexation, or dissolution of a dis-
33 trict created pursuant to this section shall be in substantial compli-
34 ance with the provisions for public notice and hearing provided herein
35 and shall be by resolution adopted by the board of county commissioners.

36 (2) When the board of county commissioners has ordered the creation of
37 an ambulance service district, pursuant to the provisions of this section,
38 such district is hereby recognized as a legal taxing district, and providing
39 ambulance service is a governmental function.

40 (3) The board of county commissioners shall be the governing board of an
41 ambulance service district created pursuant to this section and shall exer-
42 cise the duties and responsibilities provided in chapter 39, title 31, Idaho
43 Code.

44 (4) In any county where an ambulance service district is created as pro-
45 vided herein, the board of county commissioners is authorized to levy a spe-
46 cial tax, not to exceed four-hundredths percent (.04%) of market value for
47 assessment purposes, except as authorized by paragraph (a) of this subsec-
48 tion, upon all taxable property within the district for the purposes of the
49 district, but the levy otherwise authorized in section 31-3901, Idaho Code,
50 shall not be made on taxable property within the district.

1 (a) In any county where an ambulance service district:

2 (i) Was created as of January 1, 1976;

3 (ii) Had at the time of its creation a market value for assessment
4 purposes of the district of less than three hundred million dol-
5 lars (\$300,000,000); and

6 (iii) The service provided by the district is an advanced life sup-
7 port paramedic unit;

8 the board of county commissioners may submit to the electors within the
9 district the question of whether the levy authorized in this subsection
10 may be increased to a levy not to exceed six-hundredths percent (.06%)
11 of market value for assessment purposes upon all taxable property
12 within the district for the purposes of the district, if approved by a
13 minimum of two-thirds (2/3) of the qualified electors of the district
14 voting at an election called for that purpose and held on the ~~May~~ April
15 or November dates provided in section 34-106, Idaho Code, but the levy
16 otherwise authorized in section 31-3901, Idaho Code, shall not be made
17 on taxable property within the district.

18 (5) The board of county commissioners is authorized by resolution to
19 create an ambulance district capital improvement account. The board may
20 dedicate all or a portion of the fees and taxes collected pursuant to this
21 chapter to the capital improvement account for the purpose of purchasing
22 necessary buildings, land or equipment for the operation of the district.
23 The board is further authorized to carry over and add to the funds in the
24 account from year to year in order to make the purchases authorized by this
25 subsection.

26 (6) The board of county commissioners is authorized by resolution to
27 enter into cooperative agreements with other adjoining counties, adjoining
28 fire protection districts, or other adjoining political subdivisions in
29 Idaho or in other states in order to pool resources and increase efficiency
30 and improve emergency medical services.

31 (7) As used in this chapter, "ambulance district" or "ambulance service
32 district" means a political subdivision formed to provide ambulance trans-
33 port, emergency medical services as defined in section 56-1012, Idaho Code,
34 community health emergency medical services as defined in section 56-1012,
35 Idaho Code, and/or other activities necessary to meet the community health
36 needs of the district.

37 SECTION 4. That Section 31-3911, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 31-3911. AMBULANCE SERVICE DISTRICT -- DISTRICTS FORMED ON AND AFTER
40 JULY 1, 2020. The provisions of sections 31-3911 through 31-3922, Idaho
41 Code, shall govern any ambulance service district formed on and after July
42 1, 2020:

43 (1) A petition to form an ambulance service district must be signed by
44 no fewer than fifty (50) qualified electors within the proposed district.
45 The petition shall designate the boundaries of the proposed district, shall
46 state the name of the proposed district, and shall be accompanied by a map of
47 the proposed district. The petition shall be filed with the county clerk and
48 recorder of the county or counties in which the proposed district lies. Upon

1 the filing of the petition, each county clerk shall examine the petition and
2 certify whether the required number of petitioners have signed the petition.

3 (2) Any incorporated city that lies within the boundaries of a proposed
4 ambulance service district must pass a resolution consenting to participa-
5 tion in the ambulance service district before the district may be formed.
6 Copies of the city resolutions must be filed with the county clerk or clerks
7 by the petitioners at the time of filing the petition.

8 (3) At the time of filing the petition, the petitioners shall deposit
9 with the county clerk a sufficient sum of money to cover the cost of publi-
10 cation of the petition and all necessary notices. If the petition and no-
11 tices are not published, the deposit shall be returned to the petitioners,
12 and if there is any surplus remaining after paying for the publication as
13 provided in this section, it shall be returned to the petitioners. If a dis-
14 trict is created, the petitioners shall be reimbursed the amount of their de-
15 posit from the first tax moneys collected by the district.

16 (4) If the provisions of subsections (1), (2), and (3) of this section
17 have been met, the clerk or clerks shall transmit the petition and city
18 resolutions to the board or boards of county commissioners. Upon receipt
19 of a duly certified petition, the board or boards of county commissioners
20 shall cause the text of the petition to be published once a week for at least
21 three (3) consecutive weeks in a newspaper of general circulation within the
22 county or counties. With the publication of the petition, there shall be
23 published a notice of the time of the meeting of the board of county commis-
24 sioners when the petition will be heard and a statement that all persons in-
25 terested may appear and be heard. No more than five (5) names attached to the
26 petition shall appear in the publication and notice, but the number of sig-
27 natures shall be stated. If the district is to be situated in two (2) or more
28 counties, each board of county commissioners shall coordinate the hearing
29 date and the publications of notice so that only one (1) hearing need be held.

30 (5) After hearing and considering any and all testimony, the county
31 commissioners shall make an order denying or granting the petition, with or
32 without modifications. Any order granting the petition shall state the name
33 and fix the boundaries of the proposed district. The boundaries so fixed
34 shall be the boundaries of the district after its organization is completed
35 according to law. A map showing the boundaries of the proposed district as
36 finally fixed and determined by the board or boards of county commissioners
37 shall be prepared and filed in the office of the clerk of the county or coun-
38 ties.

39 (6) Following the issuance of an order by the county commissioners fix-
40 ing the name and boundaries of the proposed district, the county clerk shall
41 publish notice of an election to be held on the ~~May~~ April or November elec-
42 tion date set forth in section 34-106, Idaho Code, for the purpose of deter-
43 mining whether or not the proposed district shall be organized. The notice
44 shall state the name and boundaries of the proposed district and shall state
45 that a map showing the boundaries of the proposed district is on file in the
46 clerk's office. The notice shall require the electors to cast ballots that
47 contain the words "... ambulance service district, yes" or "... ambulance
48 service district, no" or words equivalent thereto. The notice shall be pub-
49 lished first no less than fifteen (15) days before the election and a second
50 publication no less than five (5) days prior to the election in a newspaper of

1 general circulation within the county. No person shall be entitled to vote
 2 at any election held under this section unless he possesses all the qualifi-
 3 cations required of electors under the general laws of the state, and he is a
 4 resident of the proposed district.

5 (7) If the district is to be situated in two (2) or more counties, the
 6 boards of county commissioners shall provide that the election will be held
 7 on the same day in each county. The boards of county commissioners shall co-
 8 ordinate the canvass of the votes cast and make one (1) joint announcement.

9 (8) (a) If a majority of the votes cast in any county are against the for-
 10 mation of the district, the rejection shall void the organization of the
 11 district in all counties.

12 (b) If more than one-half (1/2) of the votes cast are in favor of cre-
 13 ating the ambulance service district, the board or boards of county
 14 commissioners shall order that such territory is duly organized as an
 15 ambulance service district under the name designated on the ballot. A
 16 certified copy of the order shall be filed for record in the office of
 17 the county recorder of each county in which the district is located and
 18 shall be transmitted to the governor. From and after the date of filing
 19 the order, the organization of the district is complete.

20 SECTION 5. That Section 31-3915, Idaho Code, be, and the same is hereby
 21 amended to read as follows:

22 31-3915. LEVY -- ELECTION. (1) Each year, immediately prior to the an-
 23 nual county levy of taxes, the board of commissioners of each ambulance ser-
 24 vice district organized under section 31-3911, Idaho Code, may levy a tax
 25 upon all the taxable property within the boundaries of such district suf-
 26 ficient to defray the cost of equipping and maintaining the district in the
 27 amount of four-hundredths percent (.04%) of market value for assessment pur-
 28 poses, to be used for the purposes of this chapter and for no other purpose.
 29 The levy shall be made by resolution entered upon the minutes of the board of
 30 commissioners of the ambulance service district, and it shall be the duty of
 31 the secretary of the district, immediately after entry of the resolution in
 32 the minutes, to transmit to the county auditor and the county assessor cer-
 33 tified copies of the resolution providing for such levy. Said taxes shall be
 34 collected as provided by section 63-812, Idaho Code.

35 (2) The board of commissioners of an ambulance service district orga-
 36 nized under section 31-3911, Idaho Code, may submit to the electors within
 37 the district the question of whether the levy authorized in subsection (1)
 38 of this section may be increased to a levy not to exceed six-hundredths per-
 39 cent (.06%) of market value for assessment purposes upon all taxable prop-
 40 erty within the district for the purposes of the district, if approved by a
 41 minimum of two-thirds (2/3) of the qualified electors of the district voting
 42 at an election called for that purpose and held on the ~~May~~ April or November
 43 dates provided in section 34-106, Idaho Code.

44 SECTION 6. That Section 33-2715, Idaho Code, be, and the same is hereby
 45 amended to read as follows:

46 33-2715. BOARD OF TRUSTEES -- SELECTION -- NUMBER -- QUALIFICATIONS --
 47 TERM -- OATH -- APPOINTMENT OF FIRST BOARD. (1) Each library district shall

1 be governed by a board of trustees of five (5) members elected or appointed as
2 provided by law, who at the time of their selection and during their terms of
3 office shall be qualified electors of the district and if trustee zones have
4 been established under section 33-2718, Idaho Code, shall be a resident of
5 the trustee zone. Trustees shall be elected at each trustee election, held
6 on the uniform election date in ~~May~~ April. The regular term of a trustee
7 shall be for six (6) years, or until his successor has been elected and qual-
8 ified. Within ten (10) days after his appointment an appointed trustee shall
9 qualify and assume the duties of his office. An elected trustee shall qual-
10 ify and assume the duties of his office at the annual meeting. All trustees
11 qualify by taking the oath of office required of state officers, to be admin-
12 istered by one (1) of the present trustees or by a trustee retiring.

13 (2) Following the initial establishment of a library district, the
14 board of county commissioners of the home county within five (5) days shall
15 appoint the members of the first board of trustees, who shall serve until
16 the next election of trustees held in an odd-numbered year or until their
17 successors are elected and qualified in an odd-numbered year. The initial
18 election of trustees shall be for terms of four (4) years for two (2) trustees
19 and thereafter their terms shall be for six (6) years, terms of six (6) years
20 for two (2) trustees and thereafter their terms shall be for six (6) years,
21 and a term of two (2) years for one (1) trustee and thereafter the term shall
22 be for six (6) years. Addition of new territory to an existing library dis-
23 trict shall not be considered an initial establishment. The first board of
24 trustees shall be sworn by a member of the board of county commissioners of
25 the home county of the district.

26 (3) At its first meeting, and after each trustee election, the board
27 shall organize and elect from its membership a chairman and other officers
28 necessary to conduct the affairs of the district.

29 (4) Members of the board shall serve without salary but shall receive
30 their actual and necessary expenses while engaged in business of the dis-
31 trict.

32 (5) For the purpose of achieving an orderly transition to terms of six
33 (6) years and to hold trustee elections in odd-numbered years, the following
34 schedule shall be followed:

35 (a) For trustees elected in 2005, their terms shall expire in 2011 and
36 the terms for each of those elected in 2011 shall each be six (6) years
37 and thereafter those terms shall be for six (6) years;

38 (b) For trustees elected in 2006, their terms shall expire in 2011 and
39 the terms for each of those elected in 2011 shall each be six (6) years
40 and thereafter those terms shall be for six (6) years;

41 (c) For trustees elected in 2007, their terms shall expire in 2013 and
42 the terms for each of those elected in 2013 shall each be six (6) years
43 and thereafter those terms shall be for six (6) years;

44 (d) For trustees elected in 2008, their terms shall expire in 2013 and
45 the terms for each of those elected in 2013 shall each be six (6) years
46 and thereafter those terms shall be for six (6) years;

47 (e) For trustees elected in 2009, their terms shall expire in 2015 and
48 the terms for each of those elected in 2015 shall each be six (6) years
49 and thereafter those terms shall be for six (6) years;

1 (f) For trustees elected in 2010, their terms shall expire in 2015 and
 2 the terms for each of those elected in 2015 shall be six (6) years and
 3 thereafter those terms shall be for six (6) years.

4 SECTION 7. That Section 33-2728, Idaho Code, be, and the same is hereby
 5 amended to read as follows:

6 33-2728. BOND ELECTION. (1) The purposes for which bonds may be issued
 7 shall be: To acquire, purchase, or improve a library site or sites; to build
 8 a library or libraries, or other building or buildings; to demolish or remove
 9 buildings; to add to, remodel or repair any existing building; to furnish
 10 and equip any building or buildings, including all facilities and appliances
 11 necessary to maintain and operate the buildings of the library; and to pur-
 12 chase motor vehicles for use as bookmobiles.

13 The library district may issue bonds in an amount not to exceed one per-
 14 cent (1%) of the market value for assessment purposes of property within the
 15 district, less any aggregate outstanding indebtedness.

16 The board of trustees of any library district, upon approval of a major-
 17 ity thereof, may call a bond election on the question as to whether the board
 18 shall be empowered to issue bonds of the district in an amount and for a pe-
 19 riod of time to be stated in the notice of election. The notice of bond elec-
 20 tions, the qualification of bond electors, the conduct of the election, and
 21 the canvass of election and determination of the result of election shall be
 22 in accordance with chapter 14, title 34, Idaho Code, and with the general
 23 election laws of the state of Idaho. Provided however, that any such elec-
 24 tion conducted pursuant to this section shall be held on election day in the
 25 month of ~~May~~ April or November as provided for in section 34-106(1), Idaho
 26 Code. The majority required to pass a bond issue shall be two-thirds (2/3) of
 27 those voting in the election. The issuance of bonds, the expenditure of bond
 28 proceeds and the repayment of the bonds shall all be as specified in school
 29 district law.

30 (2) District library bond funds may not be used to purchase or expand a
 31 building for a contracting agency providing library services unless the dis-
 32 trict library gains an ownership share in the building proportional to the
 33 percentage of district bond funds used to purchase or expand the building.

34 SECTION 8. That Section 34-102, Idaho Code, be, and the same is hereby
 35 amended to read as follows:

36 34-102. "PRIMARY ELECTION" DEFINED -- PURPOSES. (1) "Primary elec-
 37 tion" means an election held for the purpose of nominating persons as can-
 38 didates of political parties for election to offices, and for the purpose
 39 of electing persons as members of the controlling committees of political
 40 parties. Primary elections, with the exception of presidential primaries,
 41 shall be held on the third Tuesday of ~~May~~ April in each even-numbered year.

42 (2) For the purpose of this title, "presidential primary" means an
 43 election held for the purpose of allowing voters to express their choice of
 44 candidate for nomination by a political party for president of the United
 45 States. A presidential primary shall be held on the third Tuesday in April in
 46 each presidential election year.

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

3 34-106. LIMITATION ~~UPON~~ ON ELECTIONS. On and after January 1, 2011,
4 notwithstanding any other provisions of the law to the contrary, there shall
5 be no more than two (2) elections conducted in any county in any calendar
6 year, except as provided in this section or section 34-220, Idaho Code, and
7 except that elections to fill vacancies in the United States house of repre-
8 sentatives shall be held as provided in the governor's proclamation.

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

10 (a) The third Tuesday in ~~May~~ April of each year; and

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

12 (c) In addition to the elections specified in paragraphs (a) and (b) of
13 this subsection and subsection (7) of this section, an emergency elec-
14 tion may be called upon motion of the governing board of a political sub-
15 division. An emergency exists when there is a great public calamity,
16 such as an extraordinary fire, flood, storm, epidemic, or other disas-
17 ter, or when it is necessary to do emergency work to prepare for a na-
18 tional or local defense or to safeguard life, health or property.

19 (d) In addition to the elections specified elsewhere in this section,
20 a presidential primary shall be held on the third Tuesday in April in
21 each presidential election year. Presidential primaries shall be held
22 jointly with other primary elections held on the third Tuesday in April.

23 (2) Candidates for office elected in ~~May~~ April shall take office on the
24 date specified in the certificate of election but not more than sixty (60)
25 days following the election.

26 (3) Candidates for office elected in November shall take office as pro-
27 vided in the constitution or on January 1 next succeeding the November elec-
28 tion.

29 (4) The governing board of each political subdivision subject to the
30 provisions of this section that, prior to January 1, 2011, conducted an elec-
31 tion for members of that governing board on a date other than a date permit-
32 ted in subsection (1) of this section shall establish as the election date
33 for that political subdivision the date authorized in subsection (1) of this
34 section that falls nearest the date on which elections were previously con-
35 ducted, unless another date is established by law.

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

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

41 (7) Community colleges governed by chapter 21, title 33, Idaho Code,
42 and school districts are subject to the limitations specified in subsection
43 (1) (a) and (b) of this section, except that school districts may also hold
44 an election on the last Tuesday in August of each year on bonded indebtedness
45 and property tax levy questions.

46 (8) A city initiative or referendum election shall be held on the Tues-
47 day following the first Monday in November of odd-numbered years. A county
48 initiative or referendum election or a bond, levy and any other ballot ques-
49 tion elections conducted by any political subdivision shall be held on the

1 nearest date authorized in subsection (1) of this section that falls more
2 than sixty (60) days after the clerk of the political subdivision orders that
3 such election shall be held in May April or November of even-numbered years
4 or more than fifty (50) days after the order for all other elections, unless
5 otherwise provided by law. Ballot language for any question to be placed on
6 the ballot shall be submitted to the county clerk at least sixty (60) days be-
7 fore an election held in May April or November of even-numbered years and at
8 least fifty (50) days before all other elections.

9 (9) Recall elections may be held on any of the three (3) dates autho-
10 rized in subsections (1) and (7) of this section that fall more than forty-
11 five (45) days after the clerk of the political subdivision orders that such
12 election shall be held.

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

18 SECTION 10. That Section 34-411A, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 34-411A. PRIMARY ELECTIONS -- CHANGING PARTY AFFILIATION -- UNAFFILI-
21 ATED ELECTORS. (1) For a primary election, including a presidential primary
22 election, an elector may change such elector's political party affiliation
23 or become unaffiliated by filing a signed form with the county clerk no later
24 than the last day a candidate may file for partisan political office prior
25 to such primary election, as provided for in section 34-704 or 34-732, Idaho
26 Code. An unaffiliated elector may affiliate with the party of the elector's
27 choice by filing a signed form up to and including election day. The appli-
28 cation form described in section 34-1002, Idaho Code, shall also be used for
29 this purpose.

30 (2) For a primary election, an unaffiliated elector may select a po-
31 litical party affiliation only prior to voting in the primary election. An
32 elector may make such selection on or before election day by declaring such
33 political party affiliation to the poll worker or other appropriate election
34 personnel. The poll worker or other appropriate election personnel shall
35 then record in the poll book the elector's choice. After the primary elec-
36 tion, the county clerk shall record the party affiliation so recorded in the
37 poll book as part of such elector's record within the voter registration sys-
38 tem as provided for in section 34-437A, Idaho Code.

39 SECTION 11. That Section 34-601, Idaho Code, be, and the same is hereby
40 amended to read as follows:

41 34-601. DATES ON WHICH ELECTIONS SHALL BE HELD. Elections shall be
42 held in this state on the following dates or times:

43 (1) A primary election shall be held on the third Tuesday in May April,
44 ~~2012~~ 2026, and every two (2) years thereafter on the above-mentioned Tues-
45 day.

1 (2) A general election shall be held on the first Tuesday after the
2 first Monday of November, 2012, and every two (2) years thereafter on the
3 above-mentioned Tuesday.

4 (3) Special state elections shall be held on the dates ordered by the
5 governor's proclamation, or as otherwise provided by law.

6 (4) A presidential primary shall be held on the third Tuesday in April
7 in each presidential election year.

8 SECTION 12. That Section 34-704, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 34-704. DECLARATION OF CANDIDACY. (1) Any person legally qualified to
11 hold such office is entitled to become a candidate and file his declaration
12 of candidacy. Each political party candidate for precinct, state, district
13 or county office shall file his declaration of candidacy in the proper of-
14 fice between 8:00 a.m. ~~on the twelfth Monday preceding the primary election~~
15 January 2 and 5:00 p.m. ~~on the tenth Friday preceding January 16 in the year~~
16 of the primary election. All political party candidates shall declare their
17 party affiliation in their declaration of candidacy and shall be affiliated
18 with a party at the time of filing. A candidate shall be deemed affiliated
19 with the political party if the candidate submits a party affiliation form
20 along with the declaration of candidacy to the filing official. The filing
21 official shall reject any declaration of candidacy for partisan office in
22 a primary election from candidates who are not affiliated with a political
23 party. Candidates for nonpartisan office shall file during the period pro-
24 vided for in this section.

25 (2) Candidates who file a declaration of candidacy under a party name
26 and are not nominated at the primary election shall not be allowed to appear
27 on the general election ballot under any other political party name, nor as
28 an independent candidate.

29 (3) Independent candidates shall file their declaration of candidacy
30 in the manner provided in section 34-708, Idaho Code.

31 (4) All information in declarations of candidacy shall be made publicly
32 available upon request, except that the Idaho residential street address and
33 telephone number of a judicial officer may be exempt from disclosure pur-
34 suant to sections ~~19-6002~~ 19-6202 and 74-106(30), Idaho Code.

35 SECTION 13. That Section 34-713, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 34-713. PREPARATION OF PRIMARY BALLOTS. (1) Upon receipt of the sample
38 ballot and instructions from the secretary of state, each county clerk shall
39 print and prepare the official primary ballots for the forthcoming election.
40 The printing of the ballots shall be a county expense and paid out of the
41 county treasury, except presidential primary ballots, which shall be paid
42 for as provided in section 34-738, Idaho Code.

43 (2) Each county clerk shall cause to be published on the earliest date
44 possible ~~in May~~ the names of all the political party candidates who shall
45 appear on the primary or presidential primary ballot. The names shall be
46 listed alphabetically under each particular office title.

1 SECTION 14. That Chapter 7, Title 34, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 34-731, Idaho Code, and to read as follows:

4 34-731. PRESIDENTIAL PRIMARY. (1) In years in which a president of the
5 United States is to be nominated and elected, a presidential primary shall be
6 held at which voters may express their choice of candidate for nomination by
7 a political party for president. The presidential primary shall be held on
8 the third Tuesday in April in each presidential election year.

9 (2) Participation in a presidential primary by a political party shall
10 be optional, and nothing in this chapter shall be construed as mandating a
11 party's participation in a presidential primary. Any party that intends to
12 participate in a presidential primary shall notify the secretary of state's
13 office no later than the last Tuesday in the November prior to the presiden-
14 tial primary.

15 SECTION 15. That Chapter 7, Title 34, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 34-732, Idaho Code, and to read as follows:

18 34-732. CANDIDATES. The name of any candidate for a political party
19 nomination for president of the United States shall be printed on the ballots
20 only if the candidate files with the secretary of state a declaration of can-
21 didacy accompanied by a one thousand dollar (\$1,000) filing fee no less than
22 ninety (90) days prior to the presidential primary.

23 SECTION 16. That Chapter 7, Title 34, Idaho Code, be, and the same is
24 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
25 ignated as Section 34-733, Idaho Code, and to read as follows:

26 34-733. REMOVAL FROM BALLOT. In the event the secretary of state is
27 informed of a candidate's death, incapacity, or withdrawal from candidacy,
28 the secretary of state may remove the name of such candidate from the ballot;
29 provided, however, that no candidate's name shall be removed within the
30 forty-five (45) days preceding the presidential primary.

31 SECTION 17. That Chapter 7, Title 34, Idaho Code, be, and the same is
32 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
33 ignated as Section 34-734, Idaho Code, and to read as follows:

34 34-734. VOTING. At a presidential primary, qualified electors may
35 vote for one (1) candidate from among the candidates of one (1) political
36 party only in a manner consistent with the provisions of section 34-904A,
37 Idaho Code.

38 SECTION 18. That Chapter 7, Title 34, Idaho Code, be, and the same is
39 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
40 ignated as Section 34-735, Idaho Code, and to read as follows:

41 34-735. PRESIDENTIAL PRIMARY -- RESULTS. Upon completion of the state
42 canvass for the presidential primary, the secretary of state shall certify

1 to the state chair of each political party participating in the presidential
2 primary the number of votes received by each candidate of that party. A win-
3 ner shall be declared as prescribed by rule of the state and national party.

4 SECTION 19. That Chapter 7, Title 34, Idaho Code, be, and the same is
5 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
6 ignated as Section 34-736, Idaho Code, and to read as follows:

7 34-736. DELEGATES TO THE NATIONAL CONVENTION. Upon receiving the re-
8 sults of the presidential primary pursuant to section 34-735, Idaho Code,
9 each party participating in the presidential primary shall select, accord-
10 ing to national and state party rules, as many delegates and alternates to
11 the national party convention as are allotted to it by the national committee
12 of that party.

13 SECTION 20. That Chapter 7, Title 34, Idaho Code, be, and the same is
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
15 ignated as Section 34-737, Idaho Code, and to read as follows:

16 34-737. CONDUCT OF ELECTION. Insofar as practicable, and where the
17 provisions of this chapter do not specifically indicate otherwise, the pres-
18 idential primary shall be conducted and canvassed in the manner provided by
19 law for the conduct and canvassing of state primary elections.

20 SECTION 21. That Chapter 7, Title 34, Idaho Code, be, and the same is
21 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
22 ignated as Section 34-738, Idaho Code, and to read as follows:

23 34-738. COSTS OF PRESIDENTIAL PRIMARY. (1) Whenever a presidential
24 primary is held as provided by this chapter, the state of Idaho shall as-
25 sume all costs related to the presidential primary, including publication of
26 legal notice and ballot preparation. The county clerk shall determine the
27 costs and file a certified claim, which shall be examined, allowed, and paid
28 as other claims against the state are paid.

29 (2) The costs of any other election held simultaneous to the presiden-
30 tial primary shall be covered in the manner elsewhere prescribed by law.

31 SECTION 22. That Section 34-904A, Idaho Code, be, and the same is hereby
32 amended to read as follows:

33 34-904A. ELIGIBILITY TO VOTE IN PRIMARY ELECTIONS. (1) Except as pro-
34 vided in subsection (2) of this section, an elector who has designated a
35 party affiliation shall be allowed to vote only in the primary or presiden-
36 tial primary election of the political party for which such an elector is so
37 registered.

38 (2) A political party qualified to participate in elections pursuant to
39 section 34-501, Idaho Code, may, no later than the last Tuesday in the Novem-
40 ber prior to a primary or presidential primary election, notify the secre-
41 tary of state in writing that the political party elects to allow, in addi-
42 tion to those electors who have registered with that political party, any of

1 the following to vote in such party's primary or presidential primary elec-
2 tion:

3 (a) Electors designated as unaffiliated;

4 (b) Electors registered with a different political party qualified to
5 participate in elections pursuant to section 34-501, Idaho Code. In the
6 event a state chairman of a political party elects to allow electors to
7 vote in that party's primary or presidential primary election pursuant
8 to this paragraph, the state chairman shall identify which political
9 parties' registrants are allowed to vote in such primary or presiden-
10 tial primary election.

11 (3) In the event that more than one (1) political party allows unaf-
12 filiated electors to vote in their party's primary or presidential primary
13 election, an unaffiliated elector shall designate which political party's
14 primary or presidential primary election the elector chooses to vote in by
15 declaring such designation to the poll worker or other appropriate election
16 personnel, who shall then record in the poll book the elector's choice. The
17 county clerk shall record such choice as part of the elector's voting history
18 within the voter registration system as provided for in section 34-437A,
19 Idaho Code.

20 (4) In the event no more than one (1) political party allows unaffili-
21 ated electors to vote in their party's primary or presidential primary elec-
22 tion, an "unaffiliated" elector may designate that political party's pri-
23 mary or presidential primary election as the election the elector chooses to
24 vote in by declaring such designation to the poll worker or other appropri-
25 ate election personnel, who shall then record in the poll book the elector's
26 choice. The county clerk shall record such choice as part of the elector's
27 voting history within the voter registration system as provided for in sec-
28 tion 34-437A, Idaho Code.

29 (5) An unaffiliated elector having declared such designation as pro-
30 vided for in subsection (3) or (4) of this section shall not be permitted to
31 vote in the primary or presidential primary election of any other party held
32 on that primary or presidential primary election date.

33 (6) If an unaffiliated elector does not declare a choice of political
34 party's primary or presidential primary election ballot, the elector shall
35 not be permitted to vote in any political party's primary or presidential
36 primary election but shall receive a nonpartisan ballot when such a ballot is
37 available.

38 (7) In the event that one (1) or more political parties allow electors
39 affiliated with a different political party to vote in their primary or pres-
40 idential primary election pursuant to this section, an elector affiliated
41 with a different political party shall declare to the poll worker or other
42 appropriate election personnel in which primary or presidential primary
43 election ballot such elector wishes to vote. The county clerk shall record
44 such choice as part of the elector's voting history within the voter regis-
45 tration system as provided for in section 34-437A, Idaho Code.

46 (8) Provided that all other provisions of this act are complied with,
47 nothing in this section shall be construed to prohibit an elector designated
48 as unaffiliated from voting in the primary or presidential primary election
49 of a different party held in subsequent years. Notwithstanding any other
50 provision of this act, if a political party allows unaffiliated electors to

1 vote in that political party's primary or presidential primary election pur-
2 suant to this section, a vote by an unaffiliated elector in such primary or
3 presidential primary election shall not change or affect the elector's unaf-
4 filiated designation.

5 SECTION 23. That Section 34-1203A, Idaho Code, be, and the same is
6 hereby amended to read as follows:

7 34-1203A. POSTELECTION AUDIT OF SELECTED BALLOTS.

8 (1) (a) After the completion of all county canvasses for any primary
9 or general election, including any presidential primary election, the
10 secretary of state shall identify and order a postelection audit of cer-
11 tain paper ballots cast in any election, shall immediately post to the
12 website of the office of the secretary of state a list of the elections,
13 counties, and precincts selected for audit, and shall immediately no-
14 tify each affected county clerk and county sheriff of the same. Upon
15 receiving such notification, the county sheriff shall immediately
16 impound and take into custody the affected ballots pursuant to the pro-
17 cedures in chapter 23, title 34, Idaho Code. Upon completion of the
18 postelection audit, the ballots shall be resealed and returned to the
19 custody of the county clerk or, in the event that the ballots are subject
20 to a recount pursuant to chapter 23, title 34, Idaho Code, to the county
21 sheriff. The postelection audit shall include, at a minimum, a hand re-
22 count of the ballots subject to the audit and a comparison to the results
23 reported by the county for any precincts, days, batches, legislative
24 districts, and tabulation machines selected for audit.

25 (b) A postelection audit authorized pursuant to paragraph (a) of this
26 subsection may be ordered for:

- 27 (i) Any or all federal elections held in Idaho;
28 (ii) The election for governor;
29 (iii) The statewide office election having the narrowest percent-
30 age margin of votes;
31 (iv) The statewide ballot question election having the narrowest
32 percentage margin of votes; and
33 (v) One (1) legislative office election within the county.

34 (c) The precincts selected for audit pursuant to paragraph (a) of this
35 subsection shall:

- 36 (i) Be selected by lot by the secretary of state without the use of
37 a computer at an open public meeting governed by the provisions of
38 chapter 2, title 74, Idaho Code; and
39 (ii) Not exceed five percent (5%) of the precincts in the county or
40 one (1) precinct, whichever is greater. Provided, however, that
41 multiple precincts may be selected in any county if the number of
42 ballots from the precincts so selected is less than two thousand
43 one hundred (2,100).

44 (d) The secretary of state, in lieu of auditing the early or absentee
45 ballots from any precincts selected for postelection audit, may se-
46 lect days, batches, legislative districts, and tabulation machines of
47 early or absentee ballots for audit until the number of ballots selected
48 equals or exceeds the number of early or absentee ballots that were
49 cast from the precincts selected for postelection audit. Such days,

1 batches, legislative districts, and tabulation machines shall be se-
2 lected under the same requirements by which precincts were selected.
3 The provisions of this paragraph apply only to a county that:

4 (i) Does not organize the storage of its early or absentee ballots
5 by precinct;

6 (ii) Organizes the storage of such ballots by day, batch, legisla-
7 tive district, or tabulation machine; and

8 (iii) Publicly reports the election results for early or absen-
9 tee ballots by day, batch, legislative district, or tabulation ma-
10 chine on the county's website prior to the secretary of state's se-
11 lection of precincts to be audited.

12 (2) The secretary of state shall conduct, and the county clerks shall
13 facilitate, any postelection audit ordered pursuant to subsection (1) of
14 this section. Such an audit shall be open to attendance by news media person-
15 nel. By directive issued at least sixty (60) days prior to the election, the
16 secretary of state shall determine the procedures by which the postelection
17 audit is to be conducted. Such procedures shall be developed in consultation
18 with county clerks and shall include provisions allowing each interested
19 candidate and political party, and each political committee that publicly
20 reported expending money on a ballot question for which the results will be
21 audited, to appoint a designated observer. Within the time specified in the
22 directive, the secretary of state shall report the results of any postelec-
23 tion audits on the website of the office of the secretary of state and to the
24 county clerk of each county in which paper ballots were audited.

25 (3) The secretary of state may order additional postelection audits,
26 without regard to the election or precinct limitations provided in subsec-
27 tion (1) of this section, if he determines that such action is warranted by
28 the findings of the audits ordered pursuant to subsection (1) of this sec-
29 tion. The secretary of state shall limit such orders for additional post-
30 election audits to the types of problems identified by the audits performed
31 pursuant to subsection (1) of this section.

32 (4) The office of the secretary of state shall pay for the cost of any
33 postelection audits conducted pursuant to this section, including reimburs-
34 ing county clerks for any costs associated with facilitating such audits.

35 SECTION 24. That Section 34-1205, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 34-1205. COUNTY BOARD OF CANVASSERS -- MEETINGS. The county board of
38 commissioners shall be the county board of canvassers and the county clerk
39 shall serve as their secretary for this purpose. The county board of can-
40 vassers shall meet within seven (7) days after a primary or presidential pri-
41 mary election and within ten (10) days after a general election for the pur-
42 pose of canvassing the election returns of all precincts within the county.

43 SECTION 25. That Section 34-1404, Idaho Code, be, and the same is hereby
44 amended to read as follows:

45 34-1404. DECLARATION OF CANDIDACY. (1) Candidates for election in any
46 political subdivision shall be nominated by nominating petitions, each of
47 which shall bear the name of the nominee, the office for which the nomination

1 is made, the term for which nomination is made, the signature of not less than
2 five (5) electors of the candidate's specific zone or district of the polit-
3 ical subdivision, and be filed with the clerk of the political subdivision.
4 The form of the nominating petition shall be as provided by the county clerk
5 and shall be uniform for all political subdivisions. For an election to be
6 held on the third Tuesday in ~~May~~ April, in even-numbered years, the nomina-
7 tion petition shall be filed during the period specified in section 34-704,
8 Idaho Code. The clerk of the political subdivision shall verify the qualifi-
9 cations of the nominees and shall, no more than seven (7) days after the close
10 of filing, certify the nominees to be placed on the ballot of the political
11 subdivision. For an election to be held on the first Tuesday after the first
12 Monday of November, in even-numbered years, the nomination shall be filed on
13 or before September 1. The clerk of the political subdivision shall verify
14 the qualifications of the nominees and shall, no more than seven (7) days af-
15 ter the close of filing, certify the nominees to be placed on the ballot of
16 the political subdivisions. For all other elections, the nomination shall
17 be filed not later than 5:00 p.m. on the ninth Friday preceding the elec-
18 tion for which the nomination is made. The clerk of the political subdivi-
19 sion shall verify the qualifications of the nominee and shall, no more than
20 seven (7) days following the filing, certify the nominees to be placed on the
21 ballot of the political subdivision.

22 (2) Nominating petitions shall include campaign contact information
23 for candidates, including phone numbers.

24 (3) All information in nominating petitions shall be made publicly
25 available upon request.

26 SECTION 26. That Section 39-1330, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 39-1330. BIENNIAL ELECTION OF BOARD MEMBERS -- TERMS OF OFFICE. On the
29 third Tuesday of ~~May~~ April in the next odd-numbered calendar year after the
30 organization of any district, and on the third Tuesday of ~~May~~ April every
31 second year thereafter, an election shall be held which shall be known as the
32 biennial election of the district.

33 At the first biennial election in any district hereafter organized and
34 each sixth year thereafter there shall be elected by the qualified electors
35 of the district three (3) members of the board to serve for a term of six (6)
36 years; at the second biennial election and each sixth year thereafter there
37 shall be elected two (2) members of the board to serve for a term of six (6)
38 years; at the third biennial election and each sixth year thereafter there
39 shall be elected two (2) members of the board to serve for terms of six (6)
40 years.

41 The county clerk shall provide for holding such elections and shall ap-
42 point judges to conduct them; the county clerk shall give notice of election
43 by publication and shall arrange such other details in connection therewith
44 as the board may direct. The returns of the election shall be certified
45 to and shall be canvassed and declared by the board of county commission-
46 ers. The candidate or candidates, according to the number of trustees to be
47 elected, receiving the most votes shall be elected. Any new member of the
48 board shall qualify in the same manner as members of the first board qualify.

1 In any election for trustee, if after the deadline for filing a declara-
2 tion of intent as a write-in candidate it appears that only one (1) qualified
3 candidate has been nominated for a trustee's position, it shall not be neces-
4 sary for the candidate to stand for election, and the board of trustees of the
5 district shall declare such candidate elected as a trustee, and the secre-
6 tary of the board of the district shall immediately make and deliver to such
7 person a certificate of election.

8 For the purpose of achieving an orderly transition to a term of six (6)
9 years and to hold trustee elections in odd-numbered years, the following
10 schedule shall be followed:

11 (a) For trustees elected in 2005, their terms shall expire in 2011 and
12 the terms for each of those elected in 2011 shall be six (6) years and
13 thereafter those terms shall be for six (6) years;

14 (b) For trustees elected in 2006, their terms shall expire in 2013 and
15 the terms for each of those elected in 2013 shall be six (6) years and
16 thereafter those terms shall be for six (6) years;

17 (c) For trustees elected in 2007, their terms shall expire in 2013 and
18 the terms for each of those elected in 2013 shall be six (6) years and
19 thereafter those terms shall be for six (6) years;

20 (d) For trustees elected in 2008, their terms shall expire in 2015 and
21 the terms for each of those elected in 2015 shall be six (6) years and
22 thereafter those terms shall be for six (6) years;

23 (e) For trustees elected in 2009, their terms shall expire in 2015 and
24 the terms for each of those elected in 2015 shall be six (6) years and
25 thereafter those terms shall be for six (6) years;

26 (f) For trustees elected in 2010, their terms shall expire in 2017 and
27 the terms for each of those elected in 2017 shall be six (6) years and
28 thereafter those terms shall be for six (6) years.

29 SECTION 27. That Section 40-1305, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 40-1305. ELECTION OF HIGHWAY COMMISSIONERS -- TERM OF OFFICE. (1) On
32 the third Tuesday of ~~May~~ April of the next odd-numbered year following the
33 appointment of the first highway district commissioners, commissioners from
34 subdistricts one and two shall be elected for a term of two (2) years and the
35 commissioner from subdistrict three shall be elected for a term of four (4)
36 years. Thereafter the term of office of all commissioners shall be four (4)
37 years.

38 (2) A highway district whose terms and election were established by
39 prior law shall convert to the election of commissioners as provided in sub-
40 section (1) of this section.

41 Each highway commissioner shall be elected on a districtwide basis.

42 SECTION 28. That Section 42-3211, Idaho Code, be, and the same is hereby
43 amended to read as follows:

44 42-3211. ELECTIONS -- TERMS OF OFFICE. (1) On the third Tuesday in ~~May~~
45 April, in the first odd-numbered year after the organization of any dis-
46 trict, and on the third Tuesday in ~~May~~ April every second year thereafter
47 an election shall be held, which shall be known as the biennial election of

1 the district. Such election shall be held and conducted consistent with the
2 provisions of chapter 14, title 34, Idaho Code.

3 (2) In districts created under section 42-3202B, Idaho Code, biennial
4 elections shall be held on the third Tuesday in ~~May~~ April.

5 (3) At the first biennial election in any district hereafter organized,
6 and each sixth year thereafter, there shall be elected by the qualified elec-
7 tors of the district, one (1) member of the board to serve for a term of six
8 (6) years; at the second biennial election and each sixth year thereafter,
9 there shall be elected two (2) members of the board to serve for terms of six
10 (6) years, and at the third biennial election, and each sixth year there-
11 after, there shall be elected two (2) members of the board to serve for terms
12 of six (6) years.

13 In any election for director, if after the deadline for filing a decla-
14 ration of intent as a write-in candidate, it appears that the number of qual-
15 ified candidates who have been nominated is equal to the number of directors
16 to be elected, it shall not be necessary for the candidates to stand for elec-
17 tion, and the board of directors shall declare such candidates elected as
18 directors, and the secretary of the district shall immediately make and de-
19 liver to such persons certificates of election signed by him and bearing the
20 seal of the district.

21 SECTION 29. That Section 63-802, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 63-802. LIMITATION ON BUDGET REQUESTS -- LIMITATION ON TAX CHARGES --
24 EXCEPTIONS. (1) Except as otherwise provided in this section, no taxing dis-
25 trict shall certify a budget request for an amount of property tax revenues
26 to finance an annual budget that exceeds the maximum sum permitted under this
27 section:

28 (a) (i) The highest dollar amount of property taxes certified for
29 its annual budget for any one (1) of the three (3) tax years preced-
30 ing the current tax year, which amount may be increased by a growth
31 factor of not to exceed three percent (3%) plus the amount of rev-
32 enue calculated as described in this subsection. The taxing dis-
33 trict shall determine what portion of the three percent (3%) in-
34 crease permitted under this subparagraph that it requires and then
35 calculate a preliminary levy rate based on the percent chosen. In
36 calculating the preliminary levy rate, the most current taxable
37 market value shall be used, except that for taxable market values
38 of centrally assessed operating property, the prior year's valua-
39 tion may be used instead of the current year's taxable market val-
40 ues. The preliminary levy rate shall be multiplied by the value
41 shown on the new construction roll compiled pursuant to section
42 63-301A, Idaho Code, and by ninety percent (90%) of the value of
43 annexation during the previous calendar year, as certified by the
44 state tax commission for taxable market values of operating prop-
45 erty of public utilities and by the county assessor; except for a
46 fire protection district annexing property prior to July 1, 2021,
47 pursuant to section 31-1429, Idaho Code, the new levy rate shall be
48 multiplied by one hundred percent (100%) of the value of any such
49 property annexed prior to July 1, 2021.

1 (ii) The total budget increase calculated under this paragraph
2 must not exceed eight percent (8%), except that any increase in the
3 amount of property tax revenue to finance an annual budget added as
4 a result of the termination, deannexation, or plan modification of
5 a revenue allocation area of an urban renewal district pursuant to
6 section 63-301A(3) (g), (j), or (k), Idaho Code, shall not be sub-
7 ject to such limitation.

8 (iii) Following the first year in which a fire protection district
9 has annexed city property pursuant to section 31-1429, Idaho Code,
10 the city shall subtract an amount equal to the moneys spent on fire
11 protection services during the last full year the city provided
12 fire protection services to its residents from its budget limita-
13 tion under this section.

14 (b) If the taxing district has not imposed a levy for three (3) or more
15 years, the highest dollar amount of property taxes certified for its an-
16 nual budget for the purpose of paragraph (a) (i) of this subsection shall
17 be the dollar amount of property taxes certified for its annual budget
18 during the last year in which a levy was made.

19 (c) The dollar amount of the actual budget request may be substituted
20 for the amount in paragraph (a) of this subsection if the taxing dis-
21 trict is newly created, except as may be provided in paragraph (i) of
22 this subsection.

23 (d) This section does not apply to school district levies imposed in
24 section 33-802, Idaho Code.

25 (e) (i) In the case of a nonschool district for which less than the
26 maximum allowable increase in the dollar amount of property taxes
27 is certified for annual budget purposes in any one (1) year, such a
28 district may, in any following year, recover the forgone increase
29 by certifying, in addition to any increase otherwise allowed, any
30 or all of the increase originally forgone. Provided however, that
31 prior to budgeting any forgone increase, the district must provide
32 notice of its intent to do so, hold a public hearing that may be in
33 conjunction with its annual budget hearing, and certify by resolu-
34 tion the amount of forgone increase to be budgeted and the specific
35 purpose for which the forgone increase is being budgeted. Upon
36 adoption of the resolution, the clerk of the district shall file a
37 copy of the resolution with the county clerk and the state tax com-
38 mission. Said additional amount shall be included in future cal-
39 culations for increases as allowed, except as provided in subpara-
40 graph (iii) of this paragraph.

41 (ii) If the forgone increase is budgeted for the purpose of main-
42 tenance and operations, the rate of recovering the reserved for-
43 gone moneys may increase the taxing district's budget by no more
44 than one percent (1%) per year.

45 (iii) If the forgone increase is budgeted for a capital project or
46 projects, the rate of recovering the reserved forgone moneys may
47 not exceed three percent (3%) of the taxing district's budget for
48 the year in which the forgone increase is budgeted. Forgone moneys
49 budgeted for a capital project must be deducted from the taxing
50 district's forgone balance in the year in which it is budgeted.

1 Upon completion of such a capital project, the taxing district
2 shall certify such completion to the state tax commission and
3 county clerk. If, upon certification, the state tax commission
4 finds that the taxing district included forgone moneys for a capi-
5 tal project in calculating the increase permitted under paragraph
6 (a) of this subsection, the state tax commission shall direct the
7 taxing district to reduce its property tax budget for any year
8 in which the forgone moneys were used to calculate a budget in-
9 crease, in an amount equal to the forgone moneys budgeted plus any
10 increases attributed to the forgone moneys improperly included in
11 the taxing district's property tax budget. For the purpose of this
12 paragraph, a capital project includes:

- 13 1. The construction, expansion, renovation, or replacement
14 of public facilities, including the acquisition of land and
15 other site improvements;
- 16 2. The construction, expansion, or reconstruction of public
17 works improvements, including roads, bridges, water sys-
18 tems, sewer systems, and broadband systems; and
- 19 3. The purchase of equipment with a useful life of ten (10)
20 years or more.

21 (f) If a taxing district elects to budget less than the maximum allow-
22 able increase in the dollar amount of property taxes, the taxing dis-
23 trict may reserve the right to recover all or any portion of that year's
24 forgone increase in a subsequent year by adoption of a resolution spec-
25 ifying the dollar amount of property taxes being reserved. Otherwise,
26 that year's forgone increase may not be recovered under paragraph (e) of
27 this subsection. The district must provide notice of its intent to do so
28 and hold a public hearing that may be in conjunction with its annual bud-
29 get hearing, if applicable. The resolution to reserve the right to re-
30 cover the forgone increase for that year shall be adopted at the annual
31 budget hearing of the taxing district if the district has a budget hear-
32 ing requirement.

33 (g) In the case of cities, if the immediately preceding year's levy sub-
34 ject to the limitation provided by this section is less than 0.004, the
35 city may increase its budget by an amount not to exceed the difference
36 between 0.004 and the actual prior year's levy multiplied by the prior
37 year's market value for assessment purposes. The additional amount
38 must be approved by sixty percent (60%) of the voters voting on the
39 question at an election called for that purpose and held on the date in
40 ~~May~~ April or November provided by law and may be included in the annual
41 budget of the city for purposes of this section.

42 (h) A taxing district may submit to the electors within the district
43 the question of whether the budget from property tax revenues may be
44 increased beyond the amount authorized in this section, but not beyond
45 the levy authorized by statute. The additional amount must be approved
46 by sixty-six and two-thirds percent (66 2/3%) or more of the voters vot-
47 ing on the question at an election called for that purpose and held on
48 the ~~May~~ April or November dates provided by section 34-106, Idaho Code.
49 If approved by the required minimum sixty-six and two-thirds percent

1 (66 2/3%) of the voters voting at the election, the new budget amount
2 shall be the base budget for the purposes of this section.

3 (i) When a nonschool district consolidates with another nonschool
4 district or dissolves and a new district performing similar governmen-
5 tal functions as the dissolved district forms with the same boundaries
6 within three (3) years, the maximum amount of a budget of the district
7 from property tax revenues shall not be greater than the sum of the
8 amounts that would have been authorized by this section for the district
9 itself or for the districts that were consolidated or dissolved and in-
10 corporated into a new district.

11 (j) This section does not apply to cooperative service agency levies
12 imposed in sections 33-317 and 33-317A, Idaho Code.

13 (k) The amount of money received in the twelve (12) months immediately
14 preceding June 30 of the current tax year as a result of distributions of
15 the tax provided in section 63-3502B(2), Idaho Code.

16 (2) In the case of fire districts, during the year immediately follow-
17 ing the election of a public utility or public utilities to consent to be pro-
18 vided fire protection pursuant to section 31-1425, Idaho Code, the maximum
19 amount of property tax revenues permitted in subsection (1) of this section
20 may be increased by an amount equal to the current year's taxable value of the
21 consenting public utility or public utilities multiplied by that portion of
22 the prior year's levy subject to the limitation provided by subsection (1) of
23 this section.

24 (3) No board of county commissioners shall set a levy, nor shall the
25 state tax commission approve a levy for annual budget purposes, which ex-
26 ceeds the limitation imposed in subsection (1) of this section unless au-
27 thority to exceed such limitation has been approved by a majority of the tax-
28 ing district's electors voting on the question at an election called for that
29 purpose and held pursuant to section 34-106, Idaho Code, provided however,
30 that such voter approval shall be for a period of not to exceed two (2) years.

31 (4) The amount of property tax revenues to finance an annual budget does
32 not include revenues from nonproperty tax sources and does not include rev-
33 enue from levies for the payment of judicially confirmed obligations pur-
34 suant to sections 63-1315 and 63-1316, Idaho Code, and revenue from levies
35 that are voter-approved for bonds, override levies or supplemental levies,
36 plant facilities reserve fund levies, school emergency fund levies, or for
37 levies applicable to newly annexed property or for levies applicable to new
38 construction as evidenced by the value of property subject to the occupancy
39 tax pursuant to section 63-317, Idaho Code, for the preceding tax year. The
40 amount of property tax revenues to finance an annual budget does not include
41 any property taxes that were collected and refunded on property that is ex-
42 empt from taxation, pursuant to section 63-1305C, Idaho Code.

43 (5) The amount of property tax revenues to finance an annual budget
44 shall include moneys received as recovery of property tax for a revoked pro-
45 visional property tax exemption under section 63-1305C, Idaho Code.

46 (6) For tax year 2023, before calculating the amount required in sub-
47 section (1) (a) (i) of this section, the board of county commissioners shall
48 reduce the approved property tax levy portion of its budget for the immedi-
49 ate prior three (3) years in an amount equal to the amount levied for indigent

1 public defense. The reduced budget amount shall be the base budget for the
2 purpose of subsection (1) (a) (i) of this section.

3 SECTION 30. That Section 67-4911, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 67-4911. ELECTIONS -- TERMS OF OFFICE. On an election date as provided
6 for in section 34-106(1), Idaho Code, in ~~May~~ April of the first odd-numbered
7 year after the organization of any district, and every second year there-
8 after, an election shall be held, which shall be known as the biennial elec-
9 tion of the district.

10 At the first biennial election in any district hereafter organized, and
11 each sixth year thereafter, there shall be elected by the qualified electors
12 of the district, one (1) member of the board to serve for a term of six (6)
13 years; at the second biennial election and each sixth year thereafter, there
14 shall be elected two (2) members of the board to serve for terms of six (6)
15 years, and at the third biennial election, and each sixth year thereafter,
16 there shall be elected two (2) members of the board to serve for terms of six
17 (6) years. Provided, a member of the board once in office shall serve until
18 his successor is elected, qualified and takes office.

19 Not later than 5:00 p.m. on the ninth Friday before any such election,
20 nominations may be filed with the secretary of the board. The county clerk
21 shall provide for holding such election and shall appoint judges to conduct
22 it. The county clerk shall give notice of election by publication, and shall
23 arrange such other details in connection therewith. Adequate polling places
24 shall be provided throughout the district boundaries for all elections. The
25 returns of the election shall be certified to and shall be canvassed and de-
26 clared by the board of county commissioners which shall report the results
27 to the district. The candidate or candidates, according to the number of di-
28 rectors to be elected, receiving the most votes, shall be elected. Any new
29 member of the board shall qualify in the same manner as members of the first
30 board qualify.

31 In any election for director, if after the deadline for filing a decla-
32 ration of intent as a write-in candidate, it appears that the number of qual-
33 ified candidates who have been nominated is equal to the number of directors
34 to be elected, it shall not be necessary for the candidates to stand for elec-
35 tion, and the board shall declare such candidates elected as directors, and
36 the secretary of the board shall immediately make and deliver to such persons
37 certificates of election signed by him and bearing the seal of the district.

38 SECTION 31. An emergency existing therefor, which emergency is hereby
39 declared to exist, this act shall be in full force and effect on and after
40 July 1, 2024.