

IN THE SENATE

SENATE BILL NO. 1270

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO CITY ELECTIONS; AMENDING SECTION 50-405, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CERTAIN UNCONTESTED CITY ELECTIONS, TO REVISE TERMINOLOGY, AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 50-405, Idaho Code, be, and the same is hereby amended to read as follows:

50-405. GENERAL AND SPECIAL CITY ELECTIONS. (1) A general election shall be held in each city governed by this title, for officials as in this title provided, on the Tuesday following the first Monday of November in each odd-numbered year. All such officials shall be elected and hold their respective offices for the term specified and until their successors are elected and qualified. All other city elections that may be held under authority of general law shall be known as special city elections.

(2) (a) No city election shall be held for a position if, after the expiration of the date for filing a written declaration for the office, it appears that:

(i) Only one (1) person has been deemed a qualified candidate for a position to be filled pursuant to section 34-704, Idaho Code; or

(ii) If only one (1) person has filed a write-in candidate declaration of intent pursuant to sections 34-702A and 34-1407, Idaho Code, and no qualified candidates have filed for the office.

(b) If the provisions of paragraph (a) of this subsection have been met, the city clerk shall declare such candidate elected and shall immediately prepare and deliver to the person a certificate of election.

(3) On and after January 1, 2011, notwithstanding any other provisions of law to the contrary, there shall be no more than two (2) elections conducted in any city in any calendar year, except as provided in this section.

~~(34)~~ The dates on which elections may be conducted are:

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

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

(c) In addition to the elections specified in paragraphs (a) and (b) of this subsection ~~(3)~~, an emergency election may be called upon motion of the city council of a city. An emergency exists when there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, or if it is necessary to do emergency work to prepare for a national or local defense, or if it is necessary to do emergency work to safeguard life, health or property.

(45) Pursuant to section 34-1401, Idaho Code, all ~~municipal city~~ elections shall be conducted by the county clerk of the county wherein the city lies, and elections shall be administered in accordance with the provisions of title 34, Idaho Code, except as those provisions are specifically modi-

1 fied by the provisions of this chapter. After an election has been ordered,
2 all expenses associated with conducting ~~municipal~~ city general and special
3 elections shall be paid from the county election fund as provided by section
4 34-1411, Idaho Code. Expenses associated with conducting runoff elections
5 shall be paid by the city adopting runoff elections pursuant to the provi-
6 sions of section 50-612 or 50-707B, Idaho Code, or both.

7 (56) The secretary of state is authorized to provide such assistance as
8 necessary, and to prescribe any needed rules or interpretations for the con-
9 duct of elections authorized under the provisions of this section.