

IN THE SENATE

SENATE BILL NO. 1150, As Amended in the House

BY STATE AFFAIRS COMMITTEE

AN ACT

1
2 RELATING TO INITIATIVES AND REFERENDUMS; AMENDING SECTION 34-1807, IDAHO
3 CODE, TO REVISE PROVISIONS REGARDING THE CIRCULATION AND SIGNING OF
4 BALLOT INITIATIVE AND REFERENDUM PETITIONS; AND DECLARING AN EMER-
5 GENCY.

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

7 SECTION 1. That Section 34-1807, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 34-1807. CIRCULATION OF PETITIONS -- VERIFICATION OF PETITION AND
10 SIGNATURE SHEETS -- COMPARISON OF SIGNATURES WITH REGISTRATION OATHS AND
11 RECORDS -- CERTAIN PETITIONS AND SIGNATURES VOID. (1) Any person who cir-
12 culates any petition for an initiative or referendum shall be a resident of
13 the state of Idaho and at least eighteen (18) years of age. No petition for an
14 initiative or referendum may be circulated outside of the state of Idaho, and
15 all petition signers must be physically located in the state of Idaho at the
16 time of signing. Each and every sheet of every such petition containing sig-
17 natures shall be verified on the face thereof in substantially the following
18 form, by the person who circulated said sheet of said petition, by his or her
19 affidavit thereon, and as a part thereof:

20 State of Idaho)
21)ss.
22 County of....)
23 I,, being first duly sworn, say: That I am a resident of the State of
24 Idaho and at least eighteen (18) years of age: that every person who signed
25 this sheet of the foregoing petition signed his or her name thereto in my
26 presence and was physically located in the State of Idaho at the time of
27 signing. I believe that each has stated his or her name, address and res-
28 idence correctly, that each signer is a qualified elector of the State of
29 Idaho, and a resident of the county of.....
30 Signed.....
31 ~~Post-office~~ Post office address
32 Subscribed and sworn to before me this.... day of.....
33 (Notary Seal) Notary Public
34 Residing at

35 (2) In addition to said affidavit the county clerk shall carefully ex-
36 amine said petitions and shall attach to the signature sheets a certificate
37 to the secretary of state substantially as follows:

1 State of Idaho)
2) ss.
3 County of....)

4 To the honorable...., Secretary of State for the State of Idaho:
5 I,...., County Clerk of.... County, hereby certify that.... signatures on
6 this petition are those of qualified electors in legislative district num-
7 ber.....

8 Signed.....
9 County Clerk or Deputy.

10 (Seal of office)

11 (3) The county clerk shall deliver the petition or any part thereof to
12 the person from whom he received it with his certificate attached thereto
13 as above provided. The forms herein given are not mandatory and if substan-
14 tially followed in any petition, it shall be sufficient, disregarding clerical
15 and merely technical error.

16 (4) Any petition upon which signatures are obtained by a person not a
17 resident of the state of Idaho and at least eighteen (18) years of age, shall
18 be void. The definition of resident in section 34-107, Idaho Code, shall apply
19 to the circulators of initiative and referendum petitions. In addition
20 to being a resident, a petition circulator shall be at least eighteen (18)
21 years of age.

22 (5) Except as provided in subsection (6) of this section, any petition
23 circulated outside of the state of Idaho upon which signatures are obtained
24 by signers not physically located in the state of Idaho at the time of signing
25 shall be void.

26 (6) The provisions of this section requiring physical presence within
27 the state of Idaho to circulate or sign a ballot petition do not apply to a
28 registered Idaho voter who is a military member deployed outside the state
29 of Idaho or to a registered Idaho voter serving as a missionary outside the
30 state of Idaho.

31 SECTION 2. An emergency existing therefor, which emergency is hereby
32 declared to exist, this act shall be in full force and effect on and after its
33 passage and approval.