

STATEMENT OF PURPOSE

RS29273 / H0532

Due to the complex nature and many participants involved in the administration of elections, errors can occur. Currently, the only available remedy to address an error, and to determine if an error was sufficient to change the result of an election, is for an elector of the district to contest the election in court pursuant to I.C. §34-2001 et seq. This places the cost and the burden of filing suit to address the error on a candidate or voter. If the secretary of state or a county clerk identifies an error, there is no legal means to seek an independent review of the impact of the error. This legislation grants the secretary of state or county clerks the authority to seek judicial review by the district court. It also grants the district court the authority to void and order a new election, if the error is found to be sufficient to likely change the results of the election.

FISCAL NOTE

There is no immediate fiscal impact to the State general fund or counties. If this provision were relied upon, the cost of seeking the review would fall on the secretary of state or county clerk seeking the review. If a new election were ordered, the cost of the new election would be at the expense of the agency where the error occurred.

Contact:

Representative Bruce D. Skaug
(208) 332-1000
Senator Patti Anne Lodge
(208) 332-1320
Phil McGrane
Ada County Clerk
(208) 287-6900

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).