

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 347

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO BOND ELECTIONS; AMENDING SECTION 34-106, IDAHO CODE, TO PROVIDE
2 THAT CERTAIN TAXING DISTRICT BOND ELECTIONS SHALL NOT BE HELD WITHIN
3 ELEVEN MONTHS OF A FAILED BOND ELECTION WITHIN THE SAME TAXING DISTRICT
4 AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 63-1309, IDAHO
5 CODE, TO PROVIDE THAT CERTAIN TAXING DISTRICT BOND ELECTIONS SHALL NOT
6 BE HELD WITHIN ELEVEN MONTHS OF A FAILED BOND ELECTION AND TO MAKE TECH-
7 NICAL CORRECTIONS.
8

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

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

12 34-106. LIMITATION UPON ELECTIONS. On and after January 1, 2011,
13 notwithstanding any other provisions of the law to the contrary, there shall
14 be no more than two (2) elections conducted in any county in any calendar
15 year, except as provided in this section, and except that elections to fill
16 vacancies in the United States house of representatives shall be held as
17 provided in the governor's proclamation.

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

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

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

21 (c) In addition to the elections specified in paragraphs (a) and (b) of
22 this subsection and subsection (7) of this section, an emergency elec-
23 tion may be called upon motion of the governing board of a political sub-
24 division. An emergency exists when there is a great public calamity,
25 such as an extraordinary fire, flood, storm, epidemic, or other disas-
26 ter, or if it is necessary to do emergency work to prepare for a national
27 or local defense, or it is necessary to do emergency work to safeguard
28 life, health or property.

29 (d) In addition to the elections specified elsewhere in this section,
30 a presidential primary shall be held on the second Tuesday in March in
31 each presidential election year. Presidential primaries shall be held
32 separately from other primary elections, which shall be held on the
33 third Tuesday in May even in presidential election years.

34 (2) Candidates for office elected in May shall take office on the date
35 specified in the certificate of election but not more than sixty (60) days
36 following the election.

37 (3) Candidates for office elected in November shall take office as
38 provided in the constitution, or on January 1⁷ next succeeding the November
39 election.

40 (4) The governing board of each political subdivision subject to the
41 provisions of this section, which, prior to January 1, 2011, conducted an
42 election for members of that governing board on a date other than a date per-

1 mitted in subsection (1) of this section, shall establish as the election
 2 date for that political subdivision the date authorized in subsection (1) of
 3 this section which falls nearest the date on which elections were previously
 4 conducted, unless another date is established by law.

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

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

10 (7) Community colleges governed by chapter 21, title 33, Idaho Code,
 11 and school districts are subject to the limitations specified in subsection
 12 (1) of this section, except that school districts may also hold an election
 13 on the second Tuesday in March of each year and on the last Tuesday in August
 14 of each year on bonded indebtedness and property tax levy questions.

15 (8) A city initiative or referendum election shall be held on the Tues-
 16 day following the first Monday in November of odd-numbered years. A Except
 17 as otherwise provided, a county initiative or referendum election or a bond,
 18 levy and any other ballot question elections conducted by any political
 19 subdivision shall be held on the nearest date authorized in subsection (1)
 20 of this section which falls more than sixty (60) days after the clerk of
 21 the political subdivision orders that such election shall be held in May or
 22 November of even-numbered years or more than fifty (50) days after the order
 23 for all other elections, unless otherwise provided by law. Ballot language
 24 for any question to be placed on the ballot shall be submitted to the county
 25 clerk at least sixty (60) days before an election held in May or November of
 26 even-numbered years and at least fifty (50) days before all other elections.
 27 Pursuant to the provisions of section 63-1309, Idaho Code, in the event that
 28 a bond election fails to be approved by the electors of a taxing district, no
 29 subsequent bond question of the same type or subject shall be submitted to
 30 the electors of the same taxing district for a period of eleven (11) months
 31 from the date of the election that failed to approve the issuance of bonds.

32 (9) Recall elections may be held on any of the four (4) dates authorized
 33 in subsections (1) and (7) of this section that fall more than forty-five
 34 (45) days after the clerk of the political subdivision orders that such elec-
 35 tion shall be held.

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

41 SECTION 2. That Section 63-1309, Idaho Code, be, and the same is hereby
 42 amended to read as follows:

43 63-1309. SPECIAL TAXING DISTRICT OR BOND PROPOSAL DEFEATED IN ELEC-
 44 TION BARS SUBSEQUENT ELECTIONS FOR SPECIFIED TIME -- EXCEPTION -- BOARD OF
 45 EDUCATION MAY CONDUCT ELECTION -- MUNICIPALITIES, WATER OR SEWER DISTRICTS
 46 MAY CONDUCT BOND ELECTION. If any election has been held for the formation of
 47 any special taxing district, or for the approval of any bond issue ~~or other~~
 48 ~~proposal which~~ that would have resulted in a property tax levy, and the pro-
 49 posal submitted at such election was defeated, no subsequent election shall

1 be held within ~~two (2)~~ eleven (11) months from and after the date of such
2 prior election for the same or a similar purpose in any district ~~which~~ that
3 includes any part of the area ~~which was~~ affected by the prior election. In
4 the event any school building is destroyed or rendered unusable for school
5 purposes by reason of fire, flood or other catastrophe, and a school bond
6 election for the purpose of the replacement of such building is prohibited by
7 the provisions of this section or by the provisions of section 34-106, Idaho
8 Code, the state board of education shall have the power to authorize an elec-
9 tion for such purpose by order based upon a finding of such facts. The provi-
10 sions of this section shall not apply to school elections held solely for de-
11 termining property tax levies for general school purposes not involving the
12 issuance of bonds. This time requirement between elections shall not apply
13 to municipalities or water and/or sewer districts when bond issues are be-
14 ing proposed for the installation or improvement of water supply systems or
15 public sewerage systems which have been deemed necessary by the Idaho state
16 board of health and welfare to bring such system or systems in conformance
17 with state statutes or rules of the state board of health and welfare.