

IN THE SENATE

SENATE BILL NO. 1310

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO RECALL ELECTIONS; AMENDING SECTION 34-1707, IDAHO CODE, TO  
REVISE PROVISIONS REGARDING RECALL PETITIONS AND SPECIAL RECALL ELEC-  
TIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 34-1707, Idaho Code, be, and the same is hereby  
amended to read as follows:

34-1707. SUFFICIENCY OF PETITION -- NOTIFICATION -- EFFECT OF RES-  
IGNATION -- SPECIAL ELECTION. (1) In the event that a petition filed with  
the secretary of state is found by the secretary of state to contain the re-  
quired number of certified signatures, the secretary of state shall promptly  
provide written notice to the officer being recalled, and the petitioner  
~~informing them~~, that the recall petition is in proper form. If the officer  
being recalled is the secretary of state, the governor shall also be noti-  
fied.

(a) If the officer being recalled resigns his office within five (5)  
business days after notice from the secretary of state, his resignation  
shall be accepted and the resignation shall take effect on the day it is  
offered, and the vacancy shall be filled as provided by law.

(b) If the officer being recalled does not resign his office within five  
(5) business days after notice from the secretary of state, a special  
election shall be ordered by the secretary of state, unless he is the of-  
ficer being recalled, in which event the governor shall order such spe-  
cial election. The special election must be held on the date prescribed  
in section 34-106, Idaho Code. If the officer being recalled is one (1)  
specified in section 34-1701(1) (a), Idaho Code, the special election  
shall be conducted statewide. If the officer being recalled is one (1)  
specified in section 34-1701(1) (b), Idaho Code, the special election  
shall be conducted only in the legislative district.

(2) In the event that a petition filed with the county clerk is found  
by the county clerk to contain the required number of certified signatures,  
the county clerk shall promptly provide written notice to the officer being  
recalled, and the petitioner, ~~informing them~~ that the recall petition is in  
proper form. If the officer being recalled is the county clerk, the secre-  
tary of state shall also be notified.

(a) If the officer being recalled resigns his office within five (5)  
business days after notice from the county clerk, his resignation shall  
be accepted and the resignation shall take effect on the day it is of-  
fered, and the vacancy shall be filled as provided by law.

(b) If the officer being recalled does not resign his office within five  
(5) business days after notice from the county clerk, a special election  
shall be ordered by the county clerk, unless the county clerk is the of-

1        ficer being recalled, in which event the secretary of state shall order  
 2        the special election. The special election must be held on the date pre-  
 3        scribed in section 34-106, Idaho Code. The special election shall be  
 4        conducted countywide.

5        (3) In the event that a petition filed with the county clerk concerning  
 6        the recall of an official of a ~~special district~~ local government office is  
 7        found by the county clerk to contain the required number of certified signa-  
 8        tures, the county clerk shall promptly provide written notice to the officer  
 9        being recalled, ~~and the petitioner, and the governing board of the special~~  
 10       ~~district informing them~~ responsible for the local government official, if  
 11       any, that the recall petition is in proper form.

12        (a) If the officer being recalled resigns his office within five (5)  
 13        business days after notice from the county clerk, his resignation shall  
 14        be accepted and the resignation shall take effect on the day it is of-  
 15        fered, and the vacancy shall be filled as provided by law.

16        (b) If the officer being recalled does not resign his office within five  
 17        (5) business days after notice from the county clerk, a special election  
 18        shall be ordered by the ~~governing board of the special district~~ county  
 19        clerk. The special election must be held on the date prescribed in sec-  
 20        tion 34-106, Idaho Code. The election shall be conducted by the county  
 21        clerk in the manner provided in section 34-1401, Idaho Code.

22        ~~(4) In the event that a petition filed with a city clerk is found by~~  
 23        ~~the city clerk to contain the required number of certified signatures, the~~  
 24        ~~city clerk shall promptly provide written notice to the officer being re-~~  
 25        ~~called, and the petitioner, informing them that the recall petition is in~~  
 26        ~~proper form.~~

27        ~~(a) If the officer being recalled resigns his office within five (5)~~  
 28        ~~business days after notice from the city clerk, his resignation shall be~~  
 29        ~~accepted and the resignation shall take effect on the day it is offered,~~  
 30        ~~and the vacancy shall be filled as provided by law.~~

31        ~~(b) If the officer being recalled does not resign his office within five~~  
 32        ~~(5) business days after notice from the city clerk, a special election~~  
 33        ~~shall be ordered by the city clerk. The special election must be held~~  
 34        ~~on the date prescribed in section 34-106, Idaho Code. The election~~  
 35        ~~shall be conducted by the county clerk in the manner provided in section~~  
 36        ~~34-1401, Idaho Code, and shall be conducted citywide.~~

37        ~~(5) In the event that a petition is found not to have the required number~~  
 38        ~~of signatures, the officer shall continue in office and no new recall peti-~~  
 39        ~~tion may be circulated for a period of ninety (90) days against the same offi-~~  
 40        ~~cer.~~

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