

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 293

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING CHAPTER 6, TITLE 34, IDAHO CODE, BY THE AD-
2 DITION OF A NEW SECTION 34-613A, IDAHO CODE, TO ESTABLISH PROVISIONS
3 REGARDING STATE BOARD OF EDUCATION MEMBER ELECTIONS; AMENDING SECTION
4 34-626, IDAHO CODE, TO PROVIDE FOR A PETITION IN LIEU OF A FILING FEE FOR
5 CANDIDATES FOR THE STATE BOARD OF EDUCATION; AMENDING SECTION 59-501,
6 IDAHO CODE, TO PROVIDE FOR SALARIES OF MEMBERS OF THE STATE BOARD OF ED-
7 UCATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6610A,
8 IDAHO CODE, TO REVISE PROVISIONS REGARDING AGGREGATE CONTRIBUTIONS;
9 AMENDING SECTION 33-102, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE
10 STATE BOARD OF EDUCATION, TO PROVIDE FOR STATE BOARD OF EDUCATION ELEC-
11 TIONS, AND TO MAKE A TECHNICAL CORRECTION; PROVIDING SEVERABILITY; AND
12 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
13

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

15 SECTION 1. That Chapter 6, Title 34, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 34-613A, Idaho Code, and to read as follows:

18 34-613A. ELECTION OF STATE BOARD OF EDUCATION MEMBERS. (1) At the 2024
19 general election, seven (7) members shall be elected: three (3) for terms of
20 two (2) years each and four (4) for terms of four (4) years each. Thereafter,
21 the successors of persons so elected shall be elected for terms of four (4)
22 years each.

23 (2) Zones for the state board of education shall be as follows:

24 (a) Zone 1: legislative districts 1 through 5;

25 (b) Zone 2: legislative districts 6 through 10;

26 (c) Zone 3: legislative districts 11 through 15;

27 (d) Zone 4: legislative districts 16 through 20;

28 (e) Zone 5: legislative districts 21 through 25;

29 (f) Zone 6: legislative districts 26 through 30; and

30 (g) Zone 7: legislative districts 31 through 35.

31 (3) Candidates for the state board of education shall be nominated and
32 elected only by qualified electors in the zone they seek to represent.

33 (4) The candidate receiving the greatest number of votes for the posi-
34 tion he seeks shall be declared nominated, or elected, as the case may be.

35 (5) No person shall be elected to the state board of education unless
36 he:

37 (a) Has attained the age of twenty-five (25) years at the time of his
38 election;

39 (b) Is a citizen of the United States; and

40 (c) Has been a qualified elector in a legislative district correspond-
41 ing with the zone he wishes to represent for at least one (1) year prior
42 to his election.

1 (6) Each candidate shall file his declaration of candidacy with the
2 secretary of state.

3 (7) Each candidate who files a declaration of candidacy shall at the
4 same time pay a filing fee of one hundred dollars (\$100), which shall be de-
5 posited in the general fund.

6 (8) Candidates for the state board of education may receive campaign
7 contributions governed by the provisions of chapter 66, title 67, Idaho
8 Code. Candidates for the state board of education shall declare their party
9 affiliation at the time of filing the declaration of candidacy pursuant to
10 section 34-704, Idaho Code.

11 SECTION 2. That Section 34-626, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 34-626. PETITION IN LIEU OF FILING FEE. (1) In lieu of paying the fil-
14 ing fee, candidates may qualify for the offices mentioned in sections 34-604
15 through ~~section~~ 34-623, Idaho Code, by filing a declaration of candidacy and
16 a nominating petition. The petition shall contain the signatures of quali-
17 fied electors as follows:

18 (a) One thousand (1,000) for any statewide office;

19 (b) Five hundred (500) for any congressional district office (all sig-
20 natures within proper district);

21 (c) Five hundred (500) for any state board of education office (all sig-
22 natures within proper zone);

23 (d) Two hundred (200) for the office of district judge (all signatures
24 within proper district);

25 ~~(d)~~ (e) Fifty (50) for any legislative district office (all signatures
26 within proper district);

27 ~~(e)~~ (f) Five (5) for any county office (county commissioner signatures
28 shall be within commissioner district).

29 (2) Signatures on such nominating petitions shall be verified in the
30 manner prescribed in section 34-1807, Idaho Code.

31 SECTION 3. That Section 59-501, Idaho Code, be, and the same is hereby
32 amended to read as follows:

33 59-501. SALARIES OF STATE ELECTIVE OFFICERS -- REGULAR PAYMENT --
34 TRAVELING EXPENSES -- FEES PROPERTY OF STATE. (1) The elected officers named
35 in this subsection shall receive the following compensation for their ser-
36 vices:

37 (a) Commencing on the first Monday in January 2023~~7~~, until the first Mon-
38 day in January 2027, the governor shall receive compensation of one hun-
39 dred fifty-one thousand four hundred dollars (\$151,400) per annum;

40 (b) The lieutenant governor shall receive thirty-five percent (35%) of
41 the governor's compensation per annum;

42 (c) The secretary of state, state treasurer, and state superintendent
43 of public instruction shall each receive eighty-five percent (85%) of
44 the governor's compensation per annum;

45 (d) Commencing on the first Monday in January 2023~~7~~, until the first Mon-
46 day in January 2027, the attorney general shall receive compensation of

1 one hundred forty-six thousand seven hundred thirty dollars (\$146,730)
2 per annum; ~~and~~

3 (e) The members of the state board of education shall receive twelve
4 thousand dollars (\$12,000) per annum and receive reimbursement for
5 travel and necessary expenses for each day they are away from their
6 place of residence and engaged in the business of the board, not to ex-
7 ceed one hundred fifty dollars (\$150) per day; and

8 (f) The state controller shall receive eighty-five percent (85%) of the
9 governor's compensation per annum; said compensation to be audited by
10 the legislative council.

11 (2) Such compensation shall be paid on regular pay periods as due out of
12 the state treasury and shall be in full for all services by said officers, re-
13 spectively, rendered in any official capacity or employment whatever during
14 their respective terms of office, ~~but no increase in the rate of compensa-~~
15 ~~tion shall be made during the terms of such officers; provided however, that~~
16 ~~the actual and necessary expenses of the governor, lieutenant governor, sec-~~
17 ~~retary of state, attorney general, state controller, state treasurer, and~~
18 ~~superintendent of public instruction, while traveling within the state or~~
19 ~~between points within the state in the performance of official duties, shall~~
20 ~~be allowed and paid by the state, not, however, exceeding such~~ not to exceed
21 the sum as shall be appropriated for such purpose.

22 (3) Actual and necessary subsistence expenses of the governor while
23 traveling in connection with the performance of official duties are hereby
24 expressly exempted from the provisions of sections 67-2007 and 67-2008,
25 Idaho Code (standard travel pay and allowance act of 1949).

26 (4) No officer named in this section shall receive, for the performance
27 of any official duty, any fee for his own use, but all fees fixed by law for
28 the performance of any official duty shall be collected in advance and de-
29 posited with the state treasurer to the credit of the state.

30 SECTION 4. That Section 67-6610A, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 67-6610A. LIMITATIONS ON CONTRIBUTIONS. (1) Except as provided in
33 subsection (2) of this section, aggregate contributions for a primary elec-
34 tion or a general election made by a corporation, political committee, other
35 recognized legal entity or an individual shall be subject to the limitations
36 of this subsection. This subsection shall not apply to a candidate con-
37 tributing or loaning money to his own campaign account or to a candidate for
38 a state legislative office who, in terminating his campaign account, trans-
39 fers the balance of funds to that candidate's new campaign account for a dif-
40 ferent state legislative office. In such case, any contributions received
41 in the closed account, combined with any contributions received in the new
42 account, shall count against the contribution limits provided in this sub-
43 section when received from the same contributor for the same election date.

44 (a) Aggregate contributions by a corporation, political committee,
45 other recognized legal entity, or an individual to a candidate for the
46 state legislature, judicial office, or local government office, and
47 political committees organized on the candidate's behalf, shall be
48 limited to an amount not to exceed one thousand dollars (\$1,000) for

1 the primary election and an amount not to exceed one thousand dollars
2 (\$1,000) for the general election.

3 (b) Aggregate contributions for a primary election or a general elec-
4 tion by a corporation, political committee, other recognized legal en-
5 tity, or an individual to a candidate for ~~statewide office and political~~
6 ~~committees organized~~ statewide office or the state board of education,
7 and political committees organized on the candidate's behalf, shall be
8 limited to an amount not to exceed five thousand dollars (\$5,000) for
9 the primary election and an amount not to exceed five thousand dollars
10 (\$5,000) for the general election.

11 (2) Aggregate contributions for a primary election or for a general
12 election made by a county central committee or by the state central committee
13 of the political parties qualified under section 34-501, Idaho Code, to a
14 candidate for the state legislature and political committees organized on
15 the candidate's behalf shall be limited to an amount not to exceed two thou-
16 sand dollars (\$2,000) for the primary election and an amount not to exceed
17 two thousand dollars (\$2,000) for the general election. Aggregate contribu-
18 tions for the primary election or the general election by the state central
19 committee of the political parties qualified under section 34-501, Idaho
20 Code, to a candidate for statewide office and political committees organized
21 on the candidate's behalf shall be limited to an amount not to exceed ten
22 thousand dollars (\$10,000) for the primary election and an amount not to
23 exceed ten thousand dollars (\$10,000) for the general election.

24 (3) For purposes of this section, "statewide office" shall mean an of-
25 fice in state government that shall appear on the primary or general election
26 ballot throughout the state.

27 (4) Recall and special elections, for purposes of this section, shall
28 be treated the same as general elections for contribution limits.

29 (5) Contributions other than money or its equivalent are deemed to have
30 a monetary value equivalent to the fair market value of the contribution.
31 Services or property or rights furnished at less than their fair market value
32 for the purpose of assisting any candidate or political committee are deemed
33 a contribution. A contribution of this kind shall be reported as an in-kind
34 contribution at its fair market value and counts toward any applicable con-
35 tribution limit of the contributor. Contributions shall not include the
36 personal services of volunteers.

37 (6) For the purposes of contribution limits, the following apply:

38 (a) A contribution by a political committee with funds that have all
39 been contributed by one (1) person who exercises exclusive control over
40 the distribution of the funds of the political committee is a contribu-
41 tion by the controlling person.

42 (b) All contributions made by a person or political committee whose
43 contribution or expenditure activity is financed, maintained or con-
44 trolled by a trade association, labor union or collective bargaining
45 organization shall be considered a contribution from such trade associ-
46 ation, labor union or collective bargaining organization.

47 (c) Two (2) or more entities are treated as a single entity if the enti-
48 ties:

49 (i) Share the majority of members on their board of directors;

50 (ii) Share two (2) or more officers;

1 (iii) Are owned or controlled by the same majority shareholder or
2 shareholders or persons;

3 (iv) Are in a parent-subsidiary relationship; or

4 (v) Have bylaws so stating.

5 (7) The provisions of this section are hereby declared to be severable
6 and if any provision of this section or the application of such provision to
7 any person or circumstance is declared invalid for any reason, such declara-
8 tion shall not affect the validity of the remaining portions of this section.

9 SECTION 5. That Section 33-102, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 33-102. MEMBERSHIP -- ~~APPOINTMENT~~ ELECTION -- TERM OF OFFICE -- QUAL-
12 IFICATIONS -- PLACE OF OFFICE. (1) The state board of education shall con-
13 sist of the state superintendent of public instruction, who shall be an ex
14 officio voting member and who shall serve as chair of the board and as ex-
15 ecutive secretary of the board for all elementary and secondary school mat-
16 ters, and seven (7) members appointed by the governor, each for a term of five
17 (5) years. Annually on the first day of July the governor shall appoint mem-
18 bers to fill the board positions for which the terms of office have expired.
19 Upon the expiration date of the term of office, a member shall continue to
20 serve until a successor shall have been appointed. elected by zone pursuant
21 to section 34-613A, Idaho Code.

22 (2) The governor shall, by appointment, fill any vacancy on the board,
23 such appointment to be for the unexpired term of the retiring member. Ap-
24 pointment to the board shall be made solely upon consideration of the ability
25 of such appointees efficiently to serve the interests of the people, and ed-
26 ucation, without reference to ~~locality,~~ occupation, party affiliation, or
27 religion. Any person appointed to said board shall have been a resident of
28 the ~~state zone for which the vacancy exists for not less than three (3) years~~
29 one (1) year prior to the date of appointment, and shall qualify and assume
30 the duties in accordance with laws governing similar appointments to, and
31 qualifications for, office on other state boards. Members shall act and as-
32 sume full powers and duties upon appointment, but such appointments shall
33 be subject to confirmation by the senate at its next regular session. If
34 a vacancy occurs with more than half of that seat's term remaining, then an
35 election for that zone will be held at the next even-numbered year's primary
36 election for nominations and subsequent general elections to complete the
37 remaining term of service.

38 (3) The state board shall have and maintain its office in Ada county.

39 SECTION 6. SEVERABILITY. The provisions of this act are hereby declared
40 to be severable and if any provision of this act or the application of such
41 provision to any person or circumstance is declared invalid for any reason,
42 such declaration shall not affect the validity of the remaining portions of
43 this act.

44 SECTION 7. An emergency existing therefor, which emergency is hereby
45 declared to exist, this act shall be in full force and effect on and after
46 July 1, 2023.