

IN THE SENATE

SENATE BILL NO. 1260

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO CITY ELECTIONS; AMENDING SECTION 50-405, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN CITY ELECTIONS FOR UNOPPOSED OFFICES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 50-405, Idaho Code, be, and the same is hereby amended to read as follows:

50-405. GENERAL AND SPECIAL CITY ELECTIONS. (1) A general election shall be held in each city governed by this title, for officials as in this title provided, on the Tuesday following the first Monday of November in each odd-numbered year. All such officials shall be elected and hold their respective offices for the term specified and until their successors are elected and qualified. All other city elections that may be held under authority of general law shall be known as special city elections.

(2) (a) ~~No city election shall be held~~ No city with a population of less than one hundred thousand (100,000) shall hold a city election for an office if, after the deadline for filing a declaration of intent to be a write-in candidate for the office, it appears:

(i) For the office of mayor, only one (1) person has filed a declaration of candidacy or a declaration of intent to be a write-in candidate;

(ii) For the office of city council member in cities that have established designated seats, as provided in section 50-707, Idaho Code, only one (1) person has filed a declaration of candidacy or a declaration of intent to be a write-in candidate for a particular seat up for election for a two (2) year term or a four (4) year term; or

(iii) For the office of city council member in cities that do not have designated council seats as provided in section 50-707, Idaho Code, the number of people who have filed a declaration of candidacy or a declaration of intent to be a write-in candidate is equal to or fewer than the number of council positions up for election for a two (2) year term or a four (4) year term.

(b) If the provisions of paragraph (a) of this subsection have been met, the city clerk shall declare such candidate elected. The candidate shall receive a certificate of election and be installed at the first city council meeting in January following the election.

(3) On and after January 1, 2011, notwithstanding any other provisions of law to the contrary, there shall be no more than two (2) elections conducted in any city in any calendar year, except as provided in this section.

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

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

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

2 (c) In addition to the elections specified in paragraphs (a) and (b) of
3 this subsection, an emergency election may be called upon motion of the
4 city council of a city. An emergency exists when there is a great pub-
5 lic calamity, such as an extraordinary fire, flood, storm, epidemic or
6 other disaster, or if it is necessary to do emergency work to prepare for
7 a national or local defense, or if it is necessary to do emergency work
8 to safeguard life, health or property.

9 (5) Pursuant to section 34-1401, Idaho Code, all city elections shall
10 be conducted by the county clerk of the county wherein the city lies, and
11 elections shall be administered in accordance with the provisions of title
12 34, Idaho Code, except as those provisions are specifically modified by the
13 provisions of this chapter. After an election has been ordered, all expenses
14 associated with conducting city general and special elections shall be paid
15 from the county election fund as provided by section 34-1411, Idaho Code.
16 Expenses associated with conducting runoff elections shall be paid by the
17 city adopting runoff elections pursuant to the provisions of section 50-612
18 or 50-707B, Idaho Code, or both.

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

22 SECTION 2. An emergency existing therefor, which emergency is hereby
23 declared to exist, this act shall be in full force and effect on and after
24 July 1, 2024.