

IN THE SENATE

SENATE BILL NO. 1377

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO BALLOT MEASURES; AMENDING SECTION 34-1807, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CIRCULATION OF PETITIONS, TO PROVIDE CERTAIN REQUIREMENTS FOR PAID SIGNATURE GATHERERS, TO REVISE PROVISIONS REGARDING THE VERIFICATION OF PETITION AND SIGNATURE SHEETS, TO REVISE PROVISIONS REGARDING CERTAIN REQUIREMENTS FOR THE CERTIFICATION OF PETITION SIGNERS, AND TO PROVIDE CONDITIONS UNDER WHICH CERTAIN PETITIONS ARE DEEMED VOID AND TO MAKE A TECHNICAL CORRECTION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 34-1807, Idaho Code, be, and the same is hereby amended to read as follows:

34-1807. CIRCULATION OF PETITIONS -- PAID SIGNATURE GATHERERS -- VERIFICATION OF PETITION AND SIGNATURE SHEETS -- CERTIFICATION OF PETITION SIGNERS -- CERTAIN PETITIONS AND SIGNATURES VOID. (1) Any person who circulates any petition for an initiative or referendum shall be a resident of the state of Idaho and at least eighteen (18) years of age.

(2) (a) Any person who accepts payment to circulate a petition for an initiative or referendum shall, prior to accepting a signature:

(i) Verbally notify any potential signatory that such person is accepting payment to gather signatures and provide the name of the person or entity providing payment to such person; and

(ii) Cause to be printed on each page of any petition for an initiative or referendum a prominent and legible declaration that such person is receiving payment in exchange for circulating the petition and the name of the person providing payment to such person.

(b) At all times a person is circulating a petition pursuant to paragraph (a) of this subsection, such person shall wear a badge that is clearly visible to any potential signatory and that contains the words "paid petition circulator" on it.

(c) The Idaho secretary of state shall promulgate rules to implement the provisions of this subsection, which shall provide details regarding the font specifications that shall be required for the printed declaration required under paragraph (a) (ii) of this subsection and the specifications regarding font, shape, color, and size requirements for the badge required under paragraph (b) of this subsection.

(3) Each and every sheet of every such petition containing signatures shall be verified on the face thereof in substantially the following form, by the person who circulated said sheet of said petition, by his or her affidavit thereon, and as a part thereof:

(a) For persons not accepting payment for circulating a petition:

1 State of Idaho)
2) ss.
3 County of....)

4 I, , being first duly sworn, say: ~~That~~ that I am a resident of the
5 State of Idaho and at least eighteen (18) years of age; ~~that I have not and~~
6 will not accept remuneration in any way related to the petition; that every
7 person who signed this sheet of the foregoing petition signed his or her name
8 thereto in my presence; ~~that~~ I believe that each has stated his or her name,
9 address and residence correctly; ~~and~~ that each signer is a qualified elec-
10 tor of the State of Idaho, and a resident of the county of

11 Signed.....
12 Post office address
13 Subscribed and sworn to before me this.... day of.....
14 (Notary Seal) Notary Public
15 Residing at

16 (b) For persons accepting payment for circulating a petition:

17 State of Idaho)
18) ss.
19 County of....)

20 I, , being first duly sworn, say that I am a resident of the state of
21 Idaho and at least eighteen (18) years of age; that every person who signed
22 this sheet of the foregoing petition signed his or her name thereto in my
23 presence, after I verbally notified each individual signer that I will re-
24 ceive payment in exchange for gathering the signatures on this sheet; I be-
25 lieve that each has stated his or her name, address and residence correctly;
26 that each signer is a qualified elector of the State of Idaho and a resident
27 of the county of

28 I am accepting payment for the circulation of the foregoing petition by
29 and the address of such payor is.....
30 Signed.....
31 Post office address

32 Subscribed and sworn to before me this.... day of.....
33 (Notary Seal) Notary Public
34 Residing at

35 ~~(2)~~ (4) In addition to said affidavit, the county clerk shall carefully
36 examine said petitions and strike from the petition any names for which he
37 has determined that the name, address, or signature do not match and confirm
38 that each name, address, and signature matches those of a qualified elector
39 of the proper jurisdiction and that the petitions conform to all other provi-
40 sions of this section. The county clerk shall attach to the signature sheets
41 a certificate to the secretary of state substantially as follows:

42 State of Idaho)
43) ss.
44 County of....)

45 To the honorable Honorable...., Secretary of State for the State of
46 Idaho: I, , County Clerk of.... County, hereby certify that.... sig-
47 natures on this petition are those of qualified electors in legislative
48 district number Legislative District Number.....

49 Signed.....

County Clerk or Deputy.

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(Seal of office)

~~(3)~~ (5) The county clerk shall deliver the petition or any part thereof to the person from whom he received it with his certificate attached thereto as above provided. The forms herein given are not mandatory and if substantially followed in any petition, it shall be sufficient, disregarding clerical and merely technical error.

~~(4)~~ (6) Any petition ~~upon~~ on which signatures are obtained by a person not a resident of the state of Idaho and at least eighteen (18) years of age shall be void. The definition of resident in section 34-107, Idaho Code, shall apply to the circulators of initiative and referendum petitions.

~~(5)~~ (7) Any signature that is not a physical signature, including an electronic signature, is void.

(8) Any petition for an initiative or referendum on which signatures are obtained that is circulated in violation of the disclosure provisions provided in subsection (2) of this section is void.

SECTION 2. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.