



2019
Election Manual for City Clerks

**Prepared in Cooperation with
Idaho Secretary of State Lawrence Denney**

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Introduction

City clerks play an important role in the election process. The city clerk's primary responsibilities include overseeing candidate filing, forwarding information about candidates and ballot measures to the county clerk's office, and assisting and answering questions from citizens and county election staff.

A more detailed list of the city clerk's responsibilities is provided below.

- Making the Declaration and Petition of Candidacy, and Declaration of Intent for write-in candidates, available to anyone upon request.
- Publishing a legal notice between 7 and 14 days before the candidate filing deadline informing potential candidates about the filing deadline, the positions up for election and the required qualifications to run for office.
- Making sure that candidates understand and meet the qualifications to run for office.
- Verifying the information provided by candidates in their filing forms.
- Forwarding the Declarations of Candidacy & Declarations of Intent to the county clerk as soon as possible.
- Providing withdrawal forms to candidates, accepting the completed forms from candidates, and transmitting these forms to the county elections office.
- Transmitting to the county elections office ballot language for any questions to be included on the ballot, such as recall, initiative/referendum, advisory questions, bonds or levies, etc.
- Ensuring the official vote tally (broken down by precinct, for cities with multiple precincts) is formally accepted by motion of the council and included in the minutes of the council meeting following the canvass of the ballots by the county commissioners.

The county clerk is responsible for coordinating and conducting the election, including:

- Printing the ballots,
- Overseeing absentee voting,
- Selecting polling places and election staff,
- Running polling places on Election Day, and
- Counting ballots.

The county commissioners handle canvassing the votes and establishing election precincts.

It is important to note that the counties receive \$4.1 million annually in state revenue to pay the costs of conducting local elections. Counties are prohibited from charging cities and other local governments for any of the costs associated with local elections, with the following exceptions.

- Cities that have adopted runoff elections for mayor and/or council will pay the full cost for the county to run the election if a runoff is required.
- Cities are required to pay ballot printing costs for any ballot measure in excess of 250 words.
- Where the city and county reach a voluntary agreement for payment of expenses, such as a city that wants to have in-person absentee voting at city hall and is willing to pay the cost.

Close cooperation and coordination between the city clerk and county clerk's office is required in order for the election process to run smoothly.

We strongly recommend that all city clerks read the Idaho municipal election law (Title 50, Chapter 4, beginning on the next page) in its entirety, as well as the sections of this manual on write-in candidates; qualifications, terms, manner of filling vacancies and salary for elected officials; retention periods for election records and frequently asked questions. These will provide you with the information necessary to prepare for this year's elections.

New Legislation on Elections

2018 Legislative Session

House Bill 568: was sponsored by Rep. Lance Clow, R-Twin Falls and Sen. Kelly Anthon, R-Burley. The bill provides the process for a proposed county initiative or referendum and clarifies that the city or county initiative or referendum process cannot be used to deal with planning and zoning issues. The bill took effect July 1, 2018.

House Bill 620: was sponsored by Rep. Jason Monks, R-Nampa. The bill establishes the Public Integrity in Elections Act, in Idaho Code Title 74, Chapter 6. The law provides that public entities may devote resources to educating their citizens on a proposed ballot measure, but cannot devote resources to advocate for or against a ballot measure (such as a bond or levy election). The bill took effect July 1, 2018.

House Bill 626: was sponsored by Rep. Ron Nate, R-Rexburg. The bill requires a statement on the ballot in general obligation bond elections and on the notice of election identifying the estimated average annual cost to the taxpayer of the proposed bond per \$100,000 in taxable assessed value, per year, based on current conditions. The bill took effect July 1, 2018.

2019 Legislative Session

House Bill 103: was sponsored by Rep. Doug Ricks, R-Rexburg. The bill requires that anytime a proposed property tax levy is submitted to the voters at an election, that the ballot and the notice of election must include the estimated average annual cost to the taxpayer per \$100,000 of taxable assessed value, per year, based on current conditions. The bill takes effect July 1, 2019.

House Bill 171: was sponsored by the Idaho Secretary of State's Office. The bill changes a number of election-related deadlines to fall on a weekday instead of a weekend. The deadline for nominated candidates to withdraw from the ballot has changed and is now **Friday, September 20, 2019** (please note that AIC's early election calendars have the incorrect candidate withdrawal deadline of Monday, September 23, 2019—the issue has been fixed on the election calendar in the manual). The bill also makes many technical corrections to election laws. The bill takes effect March 18, 2019.

Municipal Election Law: Idaho Code Title 50, Chapter 4

50-401. SHORT TITLE.

This chapter shall be known and cited as the "Idaho Municipal Election Laws."

50-402. DEFINITIONS.

The following words and phrases when used in this chapter, have the meanings respectively given herein.

(a) General election. "General election" means the election held on the first Tuesday succeeding the first Monday in November in each odd-numbered year at which there shall be chosen all mayors and councilmen as are by law to be elected in such years.

(b) Special election. "Special election" means any election other than a general election held at any time for any purpose provided by law.

(c) Qualified elector. A "qualified elector" means any person who is at least eighteen (18) years of age, is a United States citizen and who has resided in the city at least thirty (30) days next preceding the election at which he desires to vote and who is registered within the time period provided by law. A "qualified elector" shall also mean any person who is at least eighteen (18) years of age, is a United States citizen, who is a registered voter, and who resides in an area that the city has annexed pursuant to chapter 2, title 50, Idaho Code, within thirty (30) days of a city election.

(d) Residence.

(1) "Residence" for voting purposes, shall be the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which his habitation is fixed and to which a person, whenever he is absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of absence. In determining what is a principal or primary place of abode of a person the following circumstances relating to such person may be taken into account: business pursuits, employment, income sources, residence for income or other tax pursuits, residence of parents, spouse, and children, if any, leaseholds, situs of personal and real property, and motor vehicle registration.

(2) A qualified elector shall not be considered to have gained residence in any city of this state into which he comes for temporary purposes only without the intention of making it his home but with the intention of leaving it when he has

accomplished the purpose that brought him there.

(3) A qualified elector who has left his home and gone to another area outside the city, for a temporary purpose only shall not be considered to have lost his residence.

(4) If a qualified elector moves outside the city, with the intentions of making it his permanent home, he shall be considered to have lost his residence in the city.

(e) Election official. "Election official" means the city clerk, registrar, judge of election, clerk of election, or county clerk engaged in the performance of election duties.

(f) Reference to male. All references to the male elector and male city officials include the female elector and female city officials and the masculine pronoun includes the feminine.

(g) Computation of time. Calendar days shall be used in all computations of time made under the provisions of this chapter. In computing time for any act to be done before any election, the first day shall be included and the last, or election day, shall be excluded. Saturdays, Sundays and legal holidays shall be included, but if the time for any act to be done shall fall on Saturday, Sunday or a legal holiday, such act shall be done upon the day following each Saturday, Sunday or legal holiday.

See the election calendar in Appendix A of this manual for the 2019 general election timeline.

Saturdays, Sundays and legal holidays are counted for the purpose of determining election deadlines—however, if a statutory deadline falls on a Saturday, Sunday or legal holiday, the deadline is moved to the following weekday.

The most important provisions of this section relate to the qualifications of electors. To vote in city elections, a person must be:

(1) at least 18 years of age,

(2) a U.S. citizen,

*(3) a resident of the city for at least 30 days before the election **OR** a resident of an area that the city has annexed within 30 days of the election, and*

(4) registered to vote as provided by law.

People who own property in the city, but reside outside city limits, are not allowed to vote in city elections.

Those whose primary residence is in the area of city impact are not allowed to vote in city elections.

The voter's primary residence must be in the city in order to be a qualified city elector—if the person has multiple residences, their primary residence may be determined by checking the residence that receives the Homeowner's Exemption for property tax purposes.

Registered city electors are permitted to temporarily reside outside of the city, as long as they intend to return and they do not register to vote anywhere else.

Cities are urged to refrain from annexing property in the month before a city general or special election because of the difficulty it poses for counties in preparing precinct maps and poll books. Any annexations should be completed at least one month prior to the election to ensure adequate time for the county to make the necessary changes.

50-403. SUPERVISION OF ADMINISTRATION OF ELECTION LAWS BY COUNTY CLERK.

For each city, the county clerk of the county is the chief elections officer and shall exercise general supervision of the administration of the election laws in the city for the purpose of achieving and maintaining a maximum degree of correctness, impartiality, efficiency and uniformity. The county clerk shall meet with and issue instructions to election judges and clerks prior to the opening of the polls to ensure uniformity in the application, operation and interpretation of the election laws during the election.

50-404. REGISTRATION OF ELECTORS.

All electors must register before being able to vote at any municipal election. The county clerk shall be the registrar for all city elections and shall conduct voter registration for each city pursuant to the provisions of chapter 4, title 34, Idaho Code. To be eligible to register to vote in city elections, a person shall be at least eighteen (18) years of age, a citizen of the United States and a resident of the city for at least thirty (30) days next preceding the election at which he desires to vote, or a resident of an area annexed by a city pursuant to the provisions of chapter 2, title 50, Idaho Code.

Voters may register at the polls or when voting at the absentee polling place. See Idaho Code 34-408A in the section on voter registration for more information.

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) 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.

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

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

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

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

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

(5) The secretary of state is authorized to provide such assistance as necessary, and to prescribe any needed rules or interpretations for the conduct of elections authorized under the provisions of this section.

The election dates for 2019 are: Tuesday, May 21 and Tuesday, November 5.

The election dates for 2020 are: Tuesday, May 19 and Tuesday, November 3.

*City bond, levy, liquor by the drink, advisory ballot and other elections may be held in May or November **in any year**. City initiative and referendum elections are held at the November election in odd-numbered years, along with city candidate elections.*

Two additional dates are available for city recall elections: the second Tuesday in March in any year and the last Tuesday in August in any year—Idaho Code 34-106(9).

50-406. METHOD OF NOMINATION -- CLERK TO FURNISH PRINTED FORMS.

Candidates for elective city offices shall be nominated by declaration. The declaration shall contain the name and address of the person and the office and the term for which he is being nominated. There shall be no mention relating to party or principal of the nominee. The completed declaration of candidacy shall be accompanied by: (1) a petition of candidacy signed by not less than five (5) registered qualified electors; or (2) a nonrefundable filing fee of forty dollars (\$40.00) which shall be deposited in the city treasury.

It shall be the duty of the city clerk to furnish upon application a reasonable number of regular printed forms, as herein set forth, to any person or persons applying therefor. The forms shall be of uniform size as determined by the clerk.

Candidates for mayor and council get their name on the ballot by filing a Declaration of Candidacy indicating the office for which they are running, the term of the office, and confirming that they are qualified to hold the office, meaning they are:

At least 18 years of age,

A U.S. citizen,

The candidate's primary residence must be within the city,

The address of the candidate's voter registration must match the residence address provided on the candidate's declaration, and

The candidate must have resided in the city for at least 30 days prior to submitting their declaration.

*The Declaration of Candidacy must be accompanied by **one** of the following:*

*A Petition of Candidacy signed by at least five qualified city electors with an attached certification from the county clerk verifying the number of valid signatures, **OR***

A nonrefundable filing fee of \$40.

50-407. FORM OF DECLARATION OF CANDIDACY.

Declarations of candidacy and petitions of candidacy shall read substantially as herein set forth. Any number of separate petitions of candidacy may be circulated at the same time for any candidate and all petitions for each candidate shall be considered one (1) petition when filed with the city clerk. Each signer of a petition shall be a registered qualified elector.

DECLARATION OF CANDIDACY

I, the undersigned, affirm that I am a qualified elector of the City of, State of Idaho, and that I have resided in the city for at least thirty (30) days. I hereby declare myself to be a candidate for the office of, for a term of years, to be voted for at the election to be held on the day of,, and certify that I possess the legal qualifications to fill said office, and that my residence address is

(Signed)

Subscribed and sworn to before me this day of,

.....

Notary Public

State of Idaho
County of ss.
City of

**PETITION OF CANDIDACY
OF
(NAME OF CANDIDATE)
FOR OFFICE OF**

This petition must be filed in the office of the City Clerk not earlier than 8:00 a.m. on the eleventh Monday nor later than 5:00 p.m. on the ninth Friday immediately preceding election day. The submitted petition must have affixed thereto the names of at least five (5) qualified electors who reside within the appropriate city.

I, the undersigned, being a qualified elector of the City of, in the State of Idaho, do hereby certify and declare that I reside at the place set opposite my name and that I do hereby join in the petition of, a candidate for the office of to be voted at the election to be held on the day of.....,

Signature of Petitioner	Printed Name	Residence Address	Date Signed
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

STATE OF IDAHO
County of

I,, being first duly sworn, say: That I am a resident of the State of Idaho and at least eighteen (18) years of age; that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence; I believe that each has stated his or her name and residence address correctly; and that each signer is a qualified elector of the State of Idaho, and the City of

Subscribed and sworn to before me this day of,
Signed
Address
Signed Notary Public
Residing at
Commission expires
(Notary Seal)

The Declaration of Candidacy and Petition of Candidacy are included in Appendices D and E.

Candidates are required to certify on their Declaration of Candidacy that they are qualified to hold the office, meaning they are:

At least 18 years of age,

A U.S. citizen,

The candidate's primary residence must be within the city,

The address of the candidate's voter registration must match the residence address provided on the candidate's declaration, and

The candidate must have resided in the city for at least 30 days prior to submitting their declaration.

The candidate's name will appear on the ballot exactly as it is written on the Declaration of Candidacy. If the candidate wishes to have their nickname on the ballot, it should be in quotes between their first and last name (e.g. George "Skeeter" Johnson).

Candidates circulating petitions for signatures need to be made aware that signature gatherers are required to certify that they are at least 18 years old; reside in Idaho; that every person signing the petition signed in their presence; and that they believe those who signed the petition have correctly stated their names, residence addresses and qualifications. This certification by the signature gatherer must be notarized on each page of the petition.

It is not required that persons gathering petition signatures be qualified city electors, but they must be residents of Idaho.

The Declaration of Candidacy and each page of a candidate's petition must be notarized by a notary public duly recognized by the State of Idaho.

50-408 & 50-409. REPEALED.

50-410. TIME AND MANNER OF FILING DECLARATIONS.

(1) All declarations of candidacy for elective city offices shall be filed with the clerk of the respective city wherein the elections are to be held not earlier than 8:00 a.m. on the eleventh Monday nor later than 5:00 p.m. on the ninth Friday, immediately preceding election day. Before a candidate files a petition of candidacy with the city clerk, the petition signatures shall be verified by the county clerk in the manner described in section 34-1807, Idaho Code, except that the city clerk shall stand in place of the secretary of state. Before any declaration of candidacy and filing fee or petition of candidacy

mentioned in section 50-407, Idaho Code, can be filed, the city clerk shall ascertain that it conforms to the provisions of chapter 4, title 50, Idaho Code. The city clerk shall not accept any declarations of candidacy after 5:00 p.m. on the ninth Friday immediately preceding election day. Write-in candidates shall be governed by section 34-702A, Idaho Code, but shall file the declarations required in that section with the city clerk.

(2) A person shall not be permitted to file a declaration of candidacy for more than one (1) office in any city election.

For the 2019 general city election, candidates are required to submit their Declarations of Candidacy (with the requisite fee/petition) between Monday, August 26 at 8:00 a.m. and Friday, September 6 at 5:00 p.m. Clerks need to keep their offices open on Friday, September 6 until 5:00 p.m. to assist candidates who have waited until the last minute to submit their Declaration of Candidacy.

*It is the city clerk's responsibility to verify that **every candidate** meets the qualifications required by Idaho law **before accepting the Declaration of Candidacy**. Every candidate must be:*

At least 18 years of age,

A U.S. citizen,

The candidate's primary residence must be within the city,

The address of the candidate's voter registration must match the residence address provided on the candidate's declaration, and

The candidate must have resided in the city for at least 30 days prior to submitting their declaration.

The law requires petition signatures to be verified by the county clerk before the petition is submitted to the city clerk with the Declaration of Candidacy. The county clerk will attach to the petition a certification indicating the number of signatures of qualified city electors in the manner provided by Idaho Code 34-1807:

...the county clerk shall carefully examine said petitions and shall attach to the signature sheets a certificate to the [city clerk] substantially as follows:

State of Idaho

ss.

County of

To the honorable _____, [City Clerk] for the [City of _____]: I, _____, County Clerk of _____ County, hereby certify that ___ signatures on this petition are those of qualified electors.

Signed _____

*County Clerk or Deputy.
(Seal of office)*

50-411. NOTICE OF CANDIDATE FILING DEADLINE.

Not more than fourteen (14) nor less than seven (7) days preceding the candidate filing deadline for an election, the city clerk shall cause to be published in the official newspaper a notice of the forthcoming candidate filing deadline. The notice shall state the name of the city, the date of the election, the offices up for election, that declarations of candidacy are available from the city clerk, and the deadline for filing such declarations with the city clerk.

For the 2019 general city election, the notice of candidate filing deadline must be published once as a legal notice in the official city newspaper between Friday, August 23 and Friday, August 30.

The notice includes: the name of the city, the date of the election, the offices up for election, that candidate filing forms are available from the city clerk and the deadline for candidates to file their Declaration of Candidacy with the city clerk.

In addition to the legal notice, clerks are strongly encouraged to take advantage of social media, posted notices and other methods to get the word out about the upcoming election.

See Appendix B for an example notice of candidate filing deadline.

50-412. CANVASSING VOTES -- DETERMINING RESULTS OF ELECTION.

The county commissioners, within ten (10) days following any election, shall meet for the purpose of canvassing the results of the election. Upon receipt of tabulation of votes prepared by the election judges and clerks, and the canvass as herein provided, the results of both shall be entered in the minutes of city council proceedings. Results of election shall be determined as follows: in the case of a single office to be filled, the candidate with the highest number of votes shall be declared elected; in the case where more than one (1) office is to be filled, that number of candidates receiving the highest number of votes, equal to the number of offices to be filled, shall be declared elected.

The county commissioners are responsible for canvassing the results of all city elections within 10 days after the election.

The votes for each candidate and issue on the ballot, by precinct, must be formally accepted by motion of the council and included in the council meeting minutes after the votes have been canvassed by the county commissioners.

When a single position is up for election, such as the mayor's office or a designated council seat, the candidate with the most votes is elected, even if they received less than a majority of the votes

cast. When candidates are running for multiple positions, such as two four-year council positions, the top vote-getters are elected to fill the available positions and candidates are not required to obtain a majority of the votes cast.

*The only case in which candidates **must** receive at least a majority of the vote to be elected is where the city, by ordinance, requires election by majority vote and provides for runoff elections in the event no candidate receives a majority at the general election (see the section on runoff elections for more information).*

50-413. TIE VOTES.

In case of a tie vote between candidates, the city clerk shall give notice to the interested candidates to appear before the council at a meeting to be called within six (6) days at which time the city clerk shall determine the tie by a toss of a coin.

50-414. FAILURE TO QUALIFY CREATES VACANCY.

If a person elected fails to qualify, a vacancy shall be declared to exist, which vacancy shall be filled by the mayor and the council.

50-415. CERTIFICATES OF ELECTIONS.

A certificate of election for each elected city official or appointee to fill such position shall be made under the corporate seal by the city clerk, signed by the mayor and clerk, and presented to such officials at the time of subscribing to the oath of office.

An example Certificate of Election is included in Appendix I. For more information see the section of this manual on installing recently elected officials.

50-416. APPLICATION FOR RECOUNT OF BALLOTS.

Any candidate desiring a recount of the ballots cast in any general city election may apply to the attorney general therefor, within twenty (20) days of the canvass of such election by the county board of canvassers. The provisions of chapter 23, title 34, Idaho Code, shall govern recounts of elections held under this chapter.

See the section on recount of ballots in this manual for more information.

50-417. RECALL ELECTIONS.

Recall elections shall be governed by the provisions of chapter 17, title 34, Idaho Code, except as those provisions may be specifically modified by the provisions of this chapter.

See the section on recall elections in this manual for more information.

50-418. INITIATIVE AND REFERENDUM ELECTIONS.

Initiative and referendum elections shall be governed by the provisions of chapter 18, title 34, Idaho Code, and chapter 5, title 50, Idaho Code, except as those provisions are specifically modified by this chapter.

See the section on initiative and referendum elections in this manual for more information.

50-419. ELECTION LAW VIOLATIONS.

The provisions of chapter 23, title 18, Idaho Code, pertaining to crimes and punishments for election law violations are applicable to all municipal elections.

50-420. APPLICATION OF CAMPAIGN REPORTING LAW TO ELECTIONS IN CERTAIN CITIES.

The provisions of sections 67-6601 through 67-6616 and 67-6623 through 67-6630, Idaho Code, are hereby made applicable to all elections for mayor, councilman and citywide measures, including citywide recalls, in cities of five thousand (5,000) or more population, except that the city clerk shall stand in place of the secretary of state, and the city attorney shall stand in place of the attorney general.

Cities required to comply with the Idaho campaign finance reporting law include: Ammon, Blackfoot, Boise, Burley, Caldwell, Chubbuck, Coeur d'Alene, Eagle, Emmett, Fruitland, Garden City, Hailey, Hayden, Idaho Falls, Jerome, Kuna, Lewiston, Meridian, Middleton, Moscow, Mountain Home, Nampa, Payette, Pocatello, Post Falls, Preston, Rathdrum, Rexburg, Rupert, Sandpoint, Star, Twin Falls, and Weiser.

Write-In Candidates

50-410. TIME AND MANNER OF FILING DECLARATIONS (EXCERPT).

... Write-in candidates shall be governed by section 34-702A, Idaho Code, but shall file the declarations required in that section with the city clerk.

34-702A. DECLARATION OF INTENT FOR WRITE-IN CANDIDATES (EXCERPT).

No write-in vote for any office in a primary, special, or general election shall be counted unless a declaration of intent has been filed indicating that the person desires the office and is legally qualified to assume the duties of said office if elected. The declaration of intent shall be filed with the secretary of state if for a federal, state, or legislative district office and with the county clerk if for a county office. Such declaration of intent shall be filed not later than twenty-eight (28) days before the day of election. The secretary of state shall prescribe the form for said declaration...

See Appendix F for the Declaration of Intent for write-in candidates.

Candidates are required to certify on their Declaration of Intent that they are qualified to hold the office of mayor or councilmember, meaning they meet the following qualifications as of the date their Declaration of Intent is submitted to the city clerk:

At least 18 years of age,

A U.S. citizen,

The candidate's primary residence must be within the city,

The address of the candidate's voter registration must match the residence address provided on the candidate's Declaration of Intent, and

The candidate must have resided in the city for at least 30 days prior to submitting their Declaration of Intent.

Write-in votes are only counted when cast for persons who have filed a Declaration of Intent with the city clerk at least 28 days prior to the election. The deadline for filing the Declaration of Intent is Tuesday, October 8, 2019.

*Write-in candidates are only required to file the Declaration of Intent with the city clerk—they are **NOT** required to submit a petition or \$40 fee.*

Installing Recently Elected Officials

50-702. QUALIFICATION OF COUNCILMEN – TERMS – INSTALLATION [EXCERPT].

... Each councilman elected at a general city election, except as otherwise specifically provided, shall hold office for a term of four (4) years, and until his successor is elected and qualified. Councilmen elected at each general city election shall be installed at the first meeting in January following election. The manner of conducting that meeting shall be as herein set forth and not otherwise: the incumbents shall meet and conduct such business as may be necessary to conclude the fiscal matters of the preceding year; the newly elected shall then subscribe to the oath of office, be presented certificates of election, assume the duties of their position, and conduct such business as may be necessary, one (1) item of which shall be the election of a member as president of the council.

50-601. QUALIFICATIONS [OF MAYOR] [EXCERPT].

... He shall take office at the time and in the manner provided for installation of councilmen.

50-415. CERTIFICATES OF ELECTIONS.

A certificate of election for each elected city official or appointee to fill such position shall be made under the corporate seal by the city clerk, signed by the mayor and clerk, and presented to such officials at the time of subscribing to the oath of office.

Mayors and councilmembers elected at the 2019 general city election are installed at the first council meeting in January 2020. After the election, AIC will send each city a packet of materials including instructions for installing elected officials.

The following procedure for installing elected officials at the first meeting in January is taken from Idaho Code 50-702, 50-601, and 50-415. The authority to administer oaths is found in Idaho Code 50-607 and 50-207.

1. Incumbents Convene Meeting, Approve Minutes & Approve Payment of Bills.

The incumbent mayor and councilmembers convene the meeting, approve the minutes from any previous meetings and approve payment of the bills.

2. Swearing-In.

Each recently elected official stands, raises his/her right hand, listens as the oath of office is read by the city clerk, and at the end of the oath responds "I do" or "I will." The elected official may choose to recite the oath as it is read. Each recently elected official must sign the oath of office, which is countersigned by the city clerk and kept by the city as an official record. The oath of office form is included in Appendix H.

Typically, the oath of office is administered by the city clerk. The mayor may administer the oath of office to councilmembers—however, a newly elected mayor does not have authority to administer oaths until after he/she has taken the oath from the clerk.

3. Presentation of Certificates of Election.

The sworn-in officials each receive a Certificate of Election signed by the mayor and countersigned by the city clerk. The mayor in office at the time of the election signs the certificates, including his/her own. A model Certificate of Election is included in Appendix I.

4. Council Selects its President.

The sworn-in officials take their seats and the council proceeds to elect one of its members to serve as council president. The council may then proceed with other necessary business.

5. Filling Vacancies.

If any mayoral or council vacancies exist, these may be filled by the normal process of appointment.

A mayoral vacancy is filled by motion of the council, approved by a majority of councilmembers present and voting. The appointee serves until the next general city election—November 2021—at which point the office is up for election to a four-year term.

For council vacancies, the position is filled by mayoral appointment and must be confirmed by a majority of councilmembers present and voting. The person serves until the next general city election—November 2021—at which point the office is up for election as follows:

If the normal four-year term of office expires at the end of 2021, the position is up for election to a four-year term at the November 2021 general city election;

OR

If the normal four-year term of office expires at the end of 2023, the position is up for election for the remaining two years of the term at the November 2021 general city election. The position is then up for election to a four-year term in 2023.

Persons appointed to fill vacancies are sworn-in by the city clerk, sign the oath of office and each receive a Certificate of Appointment (see Appendix J for a model).

Swearing-In Officials Unable to Attend First Meeting in January.

Officials unable to attend the first council meeting in January can take the oath of office at a following meeting.

Council Seats & Districts

50-707. ASSIGNMENT OF COUNCIL SEATS.

Any city, by ordinance, may assign a number to each council seat. Upon the adoption of such an ordinance, and at least one hundred twenty (120) days prior to the next general election, the city clerk shall assign a number for each council seat. Any candidate seeking election to the council shall file for one (1) of the assigned council seats.

Designated council seats must be established by ordinance. A new ordinance does not have to be passed every election—once the ordinance is passed it remains in effect until repealed.

Cities wishing to establish numbered council seats in time for the 2019 general city election must have the ordinance passed and published on or before Monday, July 8, 2019.

There are currently almost 30 cities with designated council seats, including: Ammon, Arimo, Athol, Atomic City, Blackfoot, Boise, Bovill, Caldwell, Chubbuck, Coeur d'Alene, Greenleaf, Hailey, Hayden, Hayden Lake, Idaho Falls, Island Park, Kellogg, Kootenai, Meridian, Nampa, Pocatello, Post Falls, Potlatch, Rathdrum, Shelley, Star, Twin Falls, Wallace, and Wendell.

50-707A. ELECTION OF COUNCILMEN BY DISTRICTS.

(1) Any city may, by ordinance, provide for districts and the election of councilmen by districts. Upon the adoption of such an ordinance and at least one hundred twenty (120) days prior to each general election, the governing body of the city shall establish the territory of council districts in accordance with this section.

(2) Each district shall consist of one or more contiguous election precincts and each district shall, to the nearest extent possible, contain the same number of people based upon the most recent federal census.

(3) Each city providing for the election of councilmen by districts shall establish the number of districts corresponding to the number of council seats determined by the city pursuant to section 50-701, Idaho Code, or for any city having a governing body governed by the provisions of sections 50-801 through 50-812, Idaho Code, the number of council seats determined by the city pursuant to section 50-805, Idaho Code.

(4) Upon adoption of such an ordinance, a council shall determine, not less than ninety (90) days before the next general city election, if council members are to be elected by electors from the entire city, or by the electors of the said geographic district. The council shall also determine, not less than ninety (90) days before the next general election, the method of the implementation of this ordinance.

Council districts must be established by ordinance at least 120 days prior to the election. Cities wishing to establish council districts in time for the 2019 general city election must have the ordinance passed and published on or before Monday, July 8, 2019.

There are currently no cities that elect councilmembers by district.

Runoff Elections

50-612. MAJORITY REQUIRED FOR ELECTION -- RUNOFF ELECTION.

A city may, by ordinance, provide that a majority of the votes for any candidate running for the office of mayor shall be required for election to that office. In the event no candidate receives a majority of the votes cast, there shall be a runoff election between the two (2) candidates receiving the highest number of votes cast. Such runoff election shall be conducted by the county clerk as in the general election in a manner consistent with chapter 14, title 34, Idaho Code, and at such time, within thirty (30) days of the general election, as prescribed by the city and shall be exempt from the limitation upon elections provided in sections 34-106 and 50-405, Idaho Code. The ballot shall be prepared by the county clerk not less than twenty-two (22) days preceding the runoff election. The designation of polling places shall be made by the county commissioners not less than twenty (20) days preceding any runoff election and sample ballots shall be printed not less than eighteen (18) days preceding the runoff election.

50-707B. MAJORITY MAY BE REQUIRED FOR ELECTION -- RUNOFF ELECTION.

A city may, by ordinance, provide that a majority of the votes for any candidate running for a council seat adopted by a city in accordance with section 50-707 or 50-707A, Idaho Code, shall be required for election to that office. In the event no candidate receives a majority of the votes cast, there shall be a runoff election between the two (2) candidates receiving the highest number of votes cast. Such runoff election shall be conducted by the county clerk as in the general election in a manner consistent with chapter 14, title 34, Idaho Code, and at such time within thirty (30) days of the general election, as prescribed by the city and shall be exempt from the limitation upon elections provided in sections 34-106 and 50-405, Idaho Code. The ballot shall be prepared by the county clerk not less than twenty-two (22) days preceding the runoff election. The designation of polling places shall be made by the county commissioners not less than twenty (20) days preceding any runoff election, and sample ballots shall be printed not less than eighteen (18) days preceding the runoff election.

Runoff elections must be established by ordinance. A new ordinance does not have to be passed every election—once the ordinance is passed it remains in effect until repealed.

The law recognizes the abbreviated timeframe inherent in runoff elections by providing special deadlines for ballot preparation, designation of polling places and printing of sample ballots (other deadlines remain the same).

One of the important considerations involved in runoff elections is cost: under the consolidated elections system, cities are responsible for reimbursing the county for the full cost of conducting the runoff election. Since cities have the ability to choose whether to have runoffs, this is an issue that should be seriously considered. The county will be responsible for administering the runoff election, just as with all other types of elections.

Currently, eight cities have mayoral runoffs: American Falls, Blackfoot, Boise, Eagle, Idaho Falls, Mountain Home, Pocatello, and Spirit Lake. Only Idaho Falls has runoffs for designated council seats.

It is important to note that runoff elections only involve the two candidates receiving the highest number of votes cast for the office during the general election. It is impermissible for other candidates to run as write-ins during a runoff election.

Qualifications, Terms of Office, Manner of Filling Vacancies & Salary for Councilmembers & Mayors

50-601. QUALIFICATIONS [AND TERM OF OFFICE OF MAYOR].

Any person shall be eligible to hold the office of mayor who is a qualified elector of the city at the time his declaration of candidacy or declaration of intent is submitted to the city clerk and remains a qualified elector during his term of office.

The term of office of mayor shall be for a period of four (4) years except as otherwise specifically provided. He shall take office at the time and in the manner provided for installation of councilmen.

Candidates are required to certify on their Declaration of Candidacy or Declaration of Intent that they are qualified to hold the office of mayor, meaning they meet the following qualifications as of the date their declaration is submitted to the city clerk:

At least 18 years of age,

A U.S. citizen,

The candidate's primary residence must be within the city,

The address of the candidate's voter registration must match the residence address provided on the candidate's declaration, and

The candidate must have resided in the city for at least 30 days prior to submitting their declaration.

50-608. VACANCY IN OFFICE OF MAYOR.

In case of a temporary vacancy in the office of mayor due to absence or disability, the president of the council shall exercise the office of mayor during such disability or temporary absence, and until the mayor shall return. When a vacancy occurs in the office of mayor by reason of death, resignation or permanent disability, the city council shall fill the vacancy from within or without the council as may be deemed in the best interests of the city, which appointee shall serve until the next general city election, at which election a mayor shall be elected for the full four (4) year term.

50-701. [COUNCIL] COMPOSITION -- POWERS.

The legislative authority of each city in the state of Idaho, except those operating under the provisions of section[s] 50-801 through 50-812 shall be vested in a council consisting of either four (4) or six (6) members, one half (1/2) of whom shall be elected at each general city election. Councils shall have such powers and duties as are now or may hereafter be provided under the general laws of the state of Idaho.

50-702. QUALIFICATION OF COUNCILMEN -- TERMS -- INSTALLATION.

Any person shall be eligible to hold the office of councilman of his city who is a qualified elector at the time his declaration of candidacy or declaration of intent is submitted to the city clerk, and remains a qualified elector under the constitution and laws of the state of Idaho. Each councilman elected at a general city election, except as otherwise specifically provided, shall hold office for a term of four (4) years, and until his successor is elected and qualified. Councilmen elected at each general city election shall be installed at the first meeting in January following election. The manner of conducting that meeting shall be as herein set forth and not otherwise: the incumbents shall meet and conduct such business as may be necessary to conclude the fiscal matters of the preceding year; the newly elected shall then subscribe to the oath of office, be presented certificates of election, assume the duties of their position, and conduct such business as may be necessary, one (1) item of which shall be the election of a member as president of the council.

Candidates are required to certify on their Declaration of Candidacy or Declaration of Intent that they are qualified to hold the office of councilmember, meaning they meet the following qualifications as of the date their declaration is submitted to the city clerk:

At least 18 years of age,

A U.S. citizen,

The candidate's primary residence must be within the city,

The address of the candidate's voter registration must match the residence address provided on the candidate's declaration, and

The candidate must have resided in the city for at least 30 days prior to submitting their declaration.

50-704. [COUNCIL] VACANCIES -- APPOINTMENT.

A vacancy on the council shall be filled by appointment made by the mayor with the consent of the council, which appointee shall serve only until the next general city election, at which such vacancy shall be filled for the balance of the original term.

50-203. OFFICIALS -- COMPENSATION.

The officials of each city shall consist of a mayor and either four (4) or six (6) councilmen whose compensation shall be fixed by ordinance published at least seventy-five (75) days before any general city election, which ordinance shall be effective for all said officials commencing on January 1 following said election and continuing until changed pursuant to this section.

The deadline for passage and publication of a salary ordinance is Thursday, August 22, 2019.

An ordinance passed and published by the August 22 deadline takes effect January 1, 2020.

A model compensation ordinance is provided in Appendix C.

Election Consolidation

34-1401. ELECTION ADMINISTRATION.

Notwithstanding any provision to the contrary, the county clerk shall administer all elections on behalf of any political subdivision, subject to the provisions of this chapter, including all special district elections and elections of special questions submitted to the electors as provided in this chapter. Water districts governed by chapter 6, title 42, Idaho Code, recreational water and/or sewer districts as defined in section 42-3202A, Idaho Code, ground water recharge districts governed by chapter 42, title 42, Idaho Code, ground water management districts governed by chapter 51, title 42, Idaho Code, ground water districts governed by chapter 52, title 42, Idaho Code, and irrigation districts governed by title 43, Idaho Code, are exempt from the provisions of this chapter. Municipal elections shall be conducted under the provisions of this chapter except for the specific provisions of chapter 4, title 50, Idaho Code. All school district and highway district elections shall be conducted pursuant to the provisions of this chapter 14, title 34, Idaho Code. All highway district and school district elections shall be administered by the clerk of the county wherein the district lies. Elections in a joint school district or other political subdivisions that extend beyond the boundaries of a single county shall be conducted jointly by the clerks of the respective counties, and the clerk of the home county shall exercise such powers as are necessary to coordinate the election. "Home county" shall be defined as the county in which the business office for the district or political subdivision is located. For the purposes of achieving uniformity, the secretary of state shall, from time to time, provide directives and instructions to the various county clerks. Unless a specific exception is provided in this chapter, the provisions of this chapter shall govern in all questions regarding the conduct of elections on behalf of all political subdivisions. In all matters not specifically covered by this chapter, other provisions of title 34, Idaho Code, governing elections shall prevail over any special provision which conflicts therewith.

The county clerk shall conduct the elections for political subdivisions and shall perform all necessary duties of the election official of a political subdivision including, but not limited to, notice of the filing deadline, notice of the election, and preparation of the election calendar.

This section provides authority for the county clerk to administer elections on behalf of local governments.

This section also provides that the provisions of Title 50, Chapter 4 relating to city elections supersede the provisions of Title 34, Chapter 14.

The section also provides that for jurisdictions located in multiple counties, the county clerk of the “home county” (i.e. the county in which the city hall or administrative office building is located) takes the lead in coordinating the election for the jurisdiction.

Withdrawal of Candidacy

34-1405A. WITHDRAWAL OF CANDIDACY.

A candidate for nomination or candidate for election to an office may withdraw from the election by filing a notarized statement of withdrawal with the officer with whom his declaration of candidacy was filed. The statement must contain all information necessary to identify the candidate and the office sought and the reason for withdrawal. A candidate may not withdraw later than forty-six (46) days before an election.

Model withdrawal forms for nominated and write-in candidates are included in Appendix G.

The deadline for nominated candidates (those who would be listed on the ballot) to withdraw is Friday, September 20, 2019. Write-in candidates may withdraw at any time prior to Election Day.

The withdrawal form must be notarized by a Notary Public duly authorized by the State of Idaho.

Notice of Election

34-1406. NOTICE OF ELECTION.

The county clerk shall give notice for each political subdivision for any election by publishing such notice in the official newspaper of the county. The notice shall state the date of the election, the polling places, and the hours during which the polls shall be open for the purpose of voting. The first publication shall be made not less than twelve (12) days prior to the election, and the last publication of notice shall be made not less than five (5) days prior to the election. For each primary, general and special election, the county clerk shall cause to be published a facsimile, except as to size, of the sample ballot in at least two (2) newspapers published within the county, but if this is not possible, the sample ballot shall be published in one (1) newspaper published within the county or one (1) newspaper that has general circulation within the county. Such publication shall be in conjunction with the second notice of election required by this section. The political subdivision shall notify the county clerk in writing of the official newspaper of the political subdivision.

This section requires the city clerk to notify the county clerk in writing of the city's official newspaper to assist in publication of the notice of election.

Hours of Polling Places

34-1409. CONDUCT OF ELECTION ON ELECTION DAY.

At all elections conducted by any political subdivision, the polls shall be opened at 8:00 a.m. and remain open until all registered electors of that precinct have appeared and voted or until 8:00 p.m. of the same day, whichever comes first. However, the election official may, at his option, open the polls in his jurisdiction at 7:00 a.m.

All political subdivisions conducting elections on the same date shall, whenever practicable, use the same polling places.

This section provides that the polling hours for elections are 8:00 a.m. to 8:00 p.m., but that the county clerk may, at his/her discretion, open the polls at 7:00 a.m.

City poll hours ordinances are no longer necessary since the hours of elections are set by Idaho Code 34-1409, so cities may repeal their poll hours ordinances.

Payment of Election Expenses

34-1411. PAYMENT OF ELECTION EXPENSES BY COUNTY.

(1) On and after January 1, 2011, no county shall charge any taxing district, as defined in section 63-201, Idaho Code, for expenses associated with conducting any election on behalf of any taxing district, with the exception of expenses associated with conducting municipal runoff elections, which shall be paid by the city adopting runoff elections pursuant to the provisions of section 50-612 or 50-707B, Idaho Code. Expenses associated with conducting taxing district elections shall include:

- (a) Costs of ballot preparation, distribution, printing and counting, including absentee ballots.
- (b) Costs of printing poll books and costs of tally books, stamps, signs and any other voting supplies, publications and equipment.
- (c) Wages or other compensation for election judges and clerks or any county employees or officials performing duties associated with conducting taxing district elections.
- (d) Costs paid for renting polling facilities.
- (e) Acquisition, repair, maintenance or any other costs associated with voting machines or vote tally systems as defined in subsections (9) and (10) of section 34-2401, Idaho Code.
- (f) Costs of publishing and printing election notices and ballots.

(2) Counties shall not be responsible for any election expenses prior to the time any taxing district orders an election, such as notice and costs for public hearings and notice and costs for public hearings on ballot measures.

(3) Notwithstanding the provisions of subsection (1) of this section, all ballot questions shall be limited to two hundred fifty (250) words or less. If a ballot question is in excess of two hundred fifty (250) words, the entity proposing a ballot question that is not a state constitutional amendment shall be required to pay the ballot printing costs associated with the ballot question.

This section makes clear the fact that counties are prohibited from charging cities for any costs associated with city elections, with the following exceptions:

Where a city has adopted mayoral and/or council runoffs by ordinance and a runoff election is required;

Where a city has a ballot question in excess of 250 words; or

Where the city and county reach a voluntary agreement for payment of expenses, such as a city that wants to have in-person absentee voting at city hall and is willing to pay the cost.

Cities are responsible for costs associated with drafting of ordinances/resolutions calling for an election (such as a bond ordinance or resolution ordering an advisory vote), as well as publication of hearing notices prior to the time the election is called.

Retention Periods for Election Records

34-217. RETENTION OF COUNTY ELECTION RECORDS.

County election records shall be maintained by the county clerk for the time periods outlined in this section. Records shall be maintained for the period specified beginning with the date the record is created or has become no longer valid, whichever is greater.

(1) The following records shall be retained for not less than five (5) years:

- (a) Voter registration cards for electors whose registration has been terminated;
- (b) Correspondence relating to an elector's voter registration;
- (c) Combination election record and poll book, including the ballot accounting page;
- (d) Declaration of candidacy and petition of candidacy forms filed with the county clerk;
- (e) Maps of precinct boundaries with legal descriptions;
- (f) List of absentee voters; and
- (g) County initiatives and petitions that qualify for placement on the ballot.

(2) The following shall be retained for two (2) years:

- (a) Completed absentee ballot request forms;
- (b) Tally books;
- (c) Voted ballots;
- (d) Any ballots that were required to be duplicated before being counted;
- (e) Certified lists of candidates or declaration of candidacy forms from special districts used for ballot preparation; and
- (f) Certified ballot language from special districts for any question placed on the ballot.

(3) The following shall be maintained for one (1) year:

- (a) Absentee ballot affidavit envelopes;

- (b) Notice of election;
- (c) Personal identification affidavit;
- (d) Ballot tracking logs;
- (e) Automated tabulation election logs;
- (f) Copy of the election definition and program used in tabulating ballots electronically and in the ballot marking device; and
- (g) Record of the number of ballots printed and furnished to each polling place.

(4) Other election supplies including, but not limited to, unused ballots, official election ballot identification or official ballot stamps, receipts for supplies and spoiled ballots may be disposed of sixty (60) days following the deadline for requesting a recount or filing an election contest pursuant to chapters 20 and 21, title 34, Idaho Code.

50-907. CLASSIFICATION AND RETENTION OF MUNICIPAL RECORDS.

(1) "Permanent records" shall consist of:

- (a) Adopted meeting minutes of the city council and city boards and commissions;
- (b) Ordinances and resolutions;
- (c) Building plans and specifications for commercial projects and government buildings;
- (d) Fiscal year-end financial reports;
- (e) Records affecting the title to real property or liens thereon;
- (f) Cemetery records of lot ownership, headstone inscriptions, interment, exhumation and removal records, and cemetery maps, plot plans and surveys;
- (g) Poll books, excluding optional duplicate poll books used to record that the elector has voted, tally books, sample ballots, campaign finance reports, declarations of candidacy, declarations of intent, and notices of election; and
- (h) Other documents or records as may be deemed of permanent nature by the city council.

Permanent records shall be retained by the city in perpetuity, or may be transferred to the Idaho state historical society's permanent records repository upon resolution of the city council.

(2) "Semipermanent records" shall consist of:

- (a) Claims, canceled checks, warrants, duplicate warrants, purchase orders, vouchers, duplicate receipts, utility and other financial records;
- (b) Contracts;
- (c) Building applications for commercial projects and government buildings;
- (d) License applications;
- (e) Departmental reports;
- (f) Bonds and coupons; and
- (g) Other documents or records as may be deemed of semipermanent nature by the city council.

Semipermanent records shall be kept for not less than five (5) years after the date of issuance or completion of the matter contained within the record.

(3) "Temporary records" shall consist of:

- (a) Building applications, plans, and specifications for noncommercial and nongovernment projects after the structure or project receives final inspection and approval;
- (b) Cash receipts subject to audit;
- (c) Election ballots and duplicate poll books; and
- (d) Other documents or records as may be deemed of temporary nature by the city council.

Temporary records shall be retained for not less than two (2) years, but in no event shall financial records be destroyed until completion of the city's financial audit as provided in section 67-450B, Idaho Code.

(4) "Historical records" shall consist of records which, due to age or cultural significance, are themselves artifacts of historical value. Historical records have enduring value based on the administrative, legal, fiscal, evidential or historical information they contain. Historical records shall be retained by the city in perpetuity or may be transferred to the Idaho state historical society's permanent records repository pursuant to subsections 8. and 9. of section 67-4126, Idaho Code, upon resolution of the city council.

(5) Each city council shall adopt by resolution a records retention schedule, listing the various types of city records and the retention period for each type of record.

(6) The city may reproduce, retain and manage records in a photographic, digital or other nonpaper medium. The medium in which a document is retained shall accurately reproduce the record in paper form during the period for which the document must be retained and shall preclude unauthorized alteration of the document.

(a) If the medium chosen for retention is photographic, all film used must meet the quality standards of the American national standards institute (ANSI).

(b) If the medium chosen for retention is digital, the medium must provide for reproduction on paper at a resolution of at least two hundred (200) dots per inch.

(c) A record retained by the city in any form or medium permitted under this section shall be deemed an original public record for all purposes. A reproduction or copy of such record, certified by the city clerk, shall be deemed to be a transcript or certified copy of the original and shall be admissible before any court or administrative hearing.

(d) Once a semipermanent or temporary record is retained in a nonpaper medium as authorized by this section:

(i) The original paper document shall be considered a duplicate of the record, and may be summarily disposed of or returned to the sender; and

(ii) The provisions of this section related to retention and destruction of semipermanent and temporary records shall apply only to the record retained in the nonpaper medium.

(e) Once a permanent record is retained in a nonpaper medium as authorized by this section:

(i) The original paper document shall be considered a copy of the record and may be destroyed after compliance with the provisions of this subparagraph. Prior to destruction of original paper documents, the city clerk shall provide written notice, either by electronic or physical delivery, including a detailed list of the documents proposed for destruction to the Idaho state historical society. The Idaho state historical society shall have thirty (30) days after receipt of the notice to review the list and respond in writing, either by electronic or physical delivery, to the city clerk identifying any documents that will be requested to be transferred from the city to the historical society for retention in the permanent records repository. Any documents that will not be transferred for retention in the permanent records repository may be destroyed. If the city clerk

receives no written response within thirty (30) days after the notice was received by the historical society, then the records proposed for destruction may be destroyed.

(ii) The provisions of this section related to retention of permanent records shall only apply to the record retained in the nonpaper medium.

(f) Even if a historic record is retained in a nonpaper medium as authorized by this section, the original paper record shall also be retained by the city in perpetuity, or it may be transferred to the Idaho state historical society's permanent records repository upon resolution of the city council.

(g) Whenever any record is retained in a nonpaper medium, the city clerk shall maintain, throughout the scheduled retention period for such record, suitable equipment for displaying such record at not less than original size and for making copies of the record.

(h) Whenever any record is retained in a nonpaper medium, it shall be made in duplicate and the custodian thereof shall place one (1) copy in a fire-resistant vault or off-site storage facility, and he shall retain the other copy in his office with suitable equipment for displaying such record at not less than original size and for making copies of the record.

(7) Destruction or transfer of records:

(a) Permanent records shall not be destroyed, except for paper originals of permanent records retained in a nonpaper medium as provided in subsection (6) (e) of this section. Permanent records may be transferred to the Idaho state historical society's permanent records repository upon resolution of the city council.

(b) Semipermanent records may be destroyed only by resolution of the city council and upon the advice of the city attorney, except for paper originals of semipermanent records retained in a nonpaper medium as provided in subsection (6) (d) of this section. Such disposition shall be under the direction and supervision of the city clerk. The resolution ordering destruction shall list in detail records to be destroyed.

(c) Temporary records may be destroyed only by resolution of the city council and upon the advice of the city attorney, except for paper originals of temporary records retained in a nonpaper medium as provided in subsection (6) (d) of this section. Such disposition shall be under the direction and supervision of the city clerk. The resolution ordering destruction shall list in detail records to be destroyed.

(d) Historical records may not be destroyed but may be transferred to the Idaho state historical society's permanent records repository upon resolution of the city council.

Retention of election records is another aspect of the election process that is partly the responsibility of the city clerk and partly the responsibility of the county clerk.

Since the city clerk remains responsible for receiving filing forms from candidates, the Declaration of Candidacy, Petition of Candidacy and Declaration of Intent will be subject to the provisions of 50-907(1)(g) and are permanent records that cannot be destroyed. Likewise, since the city clerk is responsible for overseeing campaign finance reporting, these reports are subject to the provisions of 50-907(1)(g) and are also permanent records.

Any records prepared by the county during the course of the election will be retained by the county after the election and are subject to the retention periods set forth in Idaho Code 34-217. Some of these records include: poll books, tally books, sample ballots, voted ballots, unvoted ballots, notices of election, maps of precinct boundaries, lists of absentee voters, completed absentee request forms, and absentee ballot affidavit envelopes.

Voter Registration: Idaho Code Title 34, Chapter 4

Voter registration is one area that will not change in the wake of election consolidation. City clerks may continue to distribute voter registration cards, as well as accept the completed cards and forward them to the county clerk's office.

34-401. ELECTORS PRIVILEGED FROM ARREST DURING ATTENDANCE AT POLLING PLACE -- EXCEPTION.

Electors are privileged from arrest, except for treason, a felony or breach of the peace, during their attendance at a polling place.

34-402. QUALIFICATIONS OF ELECTORS.

Every male or female citizen of the United States, eighteen (18) years old, who has resided in this state and in the county for thirty (30) days where he or she offers to vote prior to the day of election, if registered within the time period provided by law, is a qualified elector.

See Idaho Code 50-402(c) for more information on qualifications of electors for city elections.

34-403. DISQUALIFIED ELECTORS NOT PERMITTED TO VOTE.

No elector shall be permitted to vote if he is disqualified as provided in article 6, sections 2 and 3 of the state constitution.

Article VI, Section 2 of the Idaho Constitution: "Every male or female citizen of the United States, eighteen years old, who has resided in this state, and in the county where he or she offers to vote for the period provided by law, if registered as provided by law, is a qualified elector."

Article VI, Section 3 of the Idaho Constitution: "No person is permitted to vote, serve as a juror, or hold any civil office who has, at any place, been convicted of a felony, and who has not been restored to the rights of citizenship, or who, at the time of such election, is confined in prison on conviction of a criminal offense."

In the case of felons, if the person has completed the terms of sentence (including probation or parole), he/she may register and vote (Idaho Code 18-310).

34-404. REGISTRATION OF ELECTORS.

(1) All electors must register before being able to vote at any primary, general, special, school or any other election governed by the provisions of title 34, Idaho Code. Registration of a qualified person occurs when a legible, accurate and complete registration application is received in the office of the county clerk or is received at the polls pursuant to section 34-408A, Idaho Code.

(2) Each elector may select on the registration application an affiliation with a political party qualified to participate in elections pursuant to section 34-501, Idaho Code, or may select to be designated as "unaffiliated." The county clerk shall record the party affiliation or "unaffiliated" designation so selected as part of the elector's registration record. If an elector shall fail or refuse to make such a selection, the county clerk shall enter on the registration records that such elector is "unaffiliated."

(3) In order to provide an elector with the appropriate primary election ballot, pursuant to section 34-904A, Idaho Code, the poll book for primary elections shall include the party affiliation or designation as "unaffiliated" for each elector so registered. An "unaffiliated" elector shall declare to the poll worker which primary election ballot the elector chooses to vote in, pursuant to section 34-904A, Idaho Code, and the poll worker or other authorized election personnel shall record such declaration in the poll book. The poll book shall contain checkoff boxes to allow the poll worker or other authorized election personnel to record such "unaffiliated" elector's selection.

(4) In order to provide electors who are already registered to vote, and who remain registered electors, with an opportunity to select a party affiliation or to select their status as "unaffiliated," the poll book for the 2012 primary election shall include checkoff boxes by which the poll worker or other appropriate election personnel shall record such elector's choice of party affiliation or choice to be designated as "unaffiliated." After the 2012 primary election, the county clerk shall record the party affiliation or "unaffiliated" designation so selected in the poll book as part of such an elector's record within the voter registration system as provided for in section 34-437A, Idaho Code.

(5) After the 2012 primary election, electors who remain registered voters and who did not vote in the 2012 primary election or who have not selected party affiliation or who have not selected to be designated as "unaffiliated," shall be designated as "unaffiliated" and the county clerk shall record that designation for each such elector within the voter registration system as provided for in section 34-437A, Idaho Code.

34-405. GAIN OR LOSS OF RESIDENCE BY REASON OF ABSENCE FROM STATE.

For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his absence while employed in the service of this state or the United States, while a student of any institution of learning, while kept at any state institution at public expense, nor absent from the state with the intent to have this state remain his residence. If a person is absent from this state but intends to maintain his residence for voting purposes here, he shall not register to vote in any other state during his absence.

34-406. APPOINTMENT OF REGISTRARS.

(1) The county clerk shall provide for voter registration in the clerk's office and may appoint registrars to assist in voter registration throughout the county.

(2) The county clerk shall provide all political parties within the county with a supply of the registration form prescribed in section 34-411, Idaho Code.

34-407. PROCEDURE FOR REGISTRATION.

(1) Any county clerk or official registrar shall register without charge any elector who personally appears in the office of the county clerk or before the official registrar, as the case may be, and requests to be registered.

(2) Upon receipt of a written application to the county clerk from any elector who, by reason of illness or physical incapacity is prevented from personally appearing in the office of the county clerk or before an official registrar, the county clerk or an official registrar so directed by the county clerk shall register such elector at the place of abode of the elector.

34-408. CLOSING OF REGISTER -- TIME LIMIT.

(1) No elector may register in the office of the county clerk within twenty-four (24) days preceding any election held throughout the county in which he resides for the purpose of voting at such election; provided however, a legible, accurate and complete registration application received in the office of the county clerk during the twenty-four (24) day period preceding an election shall be accepted and held by the county clerk until the day following the election when registration reopens, at which time the registration shall become effective. This deadline shall also apply to any registrars the county clerk may have appointed.

(2) Any elector who will complete his residence requirement or attain the requisite voting age during the period when the register of electors is closed may register prior to the closing of the register.

(3) Notwithstanding subsection (1) of this section, an individual who is eligible to vote may also register, upon providing proof of residence, at the "absent electors' polling place" provided in section 34-1006, Idaho Code.

34-408A. ELECTION DAY REGISTRATION.

An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration application, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

- (1) Showing an Idaho driver's license or Idaho identification card issued through the department of transportation; or
- (2) Showing any document which contains a valid address in the precinct together with a picture identification card; or
- (3) Showing a current valid student photo identification card from a postsecondary educational institution in Idaho accompanied with a current student fee statement that contains the student's valid address in the precinct.

Election day registration provided in this section shall apply to all elections conducted under title 34, Idaho Code, and to school district and municipal elections.

An individual who is eligible to vote may also register, upon providing proof of residence, at the "absent electors' polling place" provided in section 34-1006, Idaho Code.

34-409. ELECTRONIC REGISTRATION.

(1) The office of the secretary of state may create and maintain an electronic system for voter registration that is publicly available on its official website. Any qualified elector who has a current valid driver's license or identification card issued pursuant to title 49, Idaho Code, that reflects the person's current principal place of residence, may register to vote by submitting a completed voter registration application electronically through such website. Electronic voter registration applications shall be submitted before the close of registration as provided in section 34-408, Idaho Code.

(2) The electronic voter registration application shall be in a form prescribed by the secretary of state and shall:

(a) Require the information under oath or affirmation set forth in section 34-411, Idaho Code;

(b) Include notice of the requirement to provide personal identification before voting at the polls as set forth in sections 34-1113 and 34-1114, Idaho Code; and

(c) Require an electronic signature of the applicant.

(3) The office of the secretary of state shall obtain a digital copy of the applicant's driver's license or identification card signature from the Idaho transportation department. The Idaho transportation department shall, upon request of the office of the secretary of state, provide a digital copy of the applicant's driver's license or identification card signature.

(4) Upon receipt of a completed voter registration application and a digital copy of the applicant's driver's license or identification card signature from the Idaho transportation department, the office of the secretary of state shall send the information to the county clerk for the county in which the applicant resides. The county clerk shall prepare and issue to each elector registering electronically a verification of registration containing the name and residence of the elector and the name or number of the precinct in which the elector resides. Such verification of registration may be sent by nonforwardable first-class mail or by electronic mail at the elector's option. If a verification is returned undeliverable, then the county clerk shall remove the elector from the register of electors.

(5) An applicant using the electronic system for voter registration pursuant to this section shall not be required to complete a printed registration card.

(6) The office of the secretary of state shall use such security measures necessary to ensure the accuracy and integrity of an electronically submitted voter registration application.

34-410. MAIL REGISTRATION.

Any elector may register by mail for any election. Any mail registration application must be received by the county clerk prior to the close of registration as provided in section 34-408, Idaho Code, provided that any mail registration application postmarked not later than twenty-five (25) days prior to an election shall be deemed timely.

The secretary of state shall prescribe the form for the mail registration application. This mail application form shall be

available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

Any federal mail registration form adopted pursuant to the provisions of the national voter registration act of 1993 (P.L. 103-31) shall also be accepted as a valid registration, if such form is postmarked not later than twenty-five (25) days prior to an election.

The county clerk shall prepare and issue by first class nonforwardable mail to each elector registering by mail a verification of registration containing the name and residence of the elector and the name or number of the precinct in which the elector resides.

A verification returned undeliverable shall cause the county clerk to remove the elector's card from the register of electors.

As required by the help America vote act of 2002 (P.L. 107-252), a copy of proper identification will be required prior to issuance of a ballot to anyone who has registered by mail and has not previously voted in an election for federal office in the state. Proper identification consists of:

- (1) A current and valid photo identification; or
- (2) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

34-410A. ABSENTEE REGISTRATION FOR UNIFORMED AND OVERSEAS CITIZENS.

Whenever provision is made for absentee voting by a statute of the United States, including the "Uniformed and Overseas Citizens Absentee Voting Act" (42 U.S.C. 1973ff.), an application for an absentee ballot made under that law may be given the same effect as an application for an absentee ballot made under chapter 10, title 34, Idaho Code.

34-411. APPLICATION FOR REGISTRATION -- CONTENTS.

(1) Each elector who requests registration shall supply the following information under oath or affirmation:

- (a) Full name and sex.
- (b) Mailing address, residence address or any other necessary information definitely locating the elector's residence.
- (c) The period of time preceding the date of registration during which the elector has resided in the state.
- (d) Whether or not the elector is a citizen.

(e) That the elector is under no legal disqualifications to vote.

(f) The county and state where the elector was previously registered, if any.

(g) Date of birth.

(h) Current driver's license number or identification card issued by the Idaho transportation department. In the absence of an Idaho driver's license or state issued identification card, the last four (4) digits of the elector's social security number.

(2) As provided for in section 34-404, Idaho Code, each elector shall select an affiliation with a political party qualified to participate in elections pursuant to section 34-501, Idaho Code, or select to be designated as "unaffiliated." The selection of party affiliation or designation as "unaffiliated" shall be maintained within the voter registration system as provided for in section 34-437A, Idaho Code. If an elector shall fail or refuse to make such a selection, the county clerk shall record as "unaffiliated" such elector within the voter registration system as provided for in section 34-437A, Idaho Code.

(3) Any elector who shall supply any information under subsection (1) of this section, knowing it to be false, is guilty of perjury.

(4) Each elector who requests registration may, at the elector's option, supply the elector's telephone number. If the telephone number is supplied by the elector, the telephone number shall be available to the public.

34-411A. PRIMARY ELECTIONS -- CHANGING PARTY AFFILIATION -- UNAFFILIATED ELECTORS.

(1) For a primary election, an elector may change such elector's political party affiliation or become "unaffiliated" by filing a signed form with the county clerk no later than the last day a candidate may file for partisan political office prior to such primary election, as provided for in section 34-704, Idaho Code. An "unaffiliated" elector may affiliate with the party of the elector's choice by filing a signed form up to and including election day. The application form described in section 34-1002, Idaho Code, shall also be used for this purpose.

(2) For a primary election, an "unaffiliated" elector may select a political party affiliation only prior to voting in the primary election. An elector may make such selection on or before election day, by declaring such political party affiliation to the poll worker or other appropriate election personnel. The poll worker or other appropriate election personnel shall then record in the poll book the elector's choice. After the primary election, the county clerk shall record the party affiliation so recorded in the poll book as part of

such elector's record within the voter registration system as provided for in section 34-437A, Idaho Code.

34-412. QUALIFICATIONS FOR REGISTRATION.

(1) The qualifications of any person who requests to be registered shall be determined in the first instance by the registering official from the evidence before him. If the registering official determines that such person is not qualified, he shall refuse to register the person.

(2) A person refused registration under subsection (1) of this section may make application to the county clerk for a hearing on his qualifications. Not more than ten (10) days after the date he receives such application, the county clerk shall hold a hearing on the qualifications of the applicant and shall notify the applicant of the place and time of such hearing. At such hearing the applicant may present evidence as to his qualifications, provided that no hearing shall be held subsequent to any election which is held within said ten (10) day period. If the county clerk determines that the applicant is qualified, the county clerk shall register the applicant immediately upon the conclusion of the hearing.

34-413. REREGISTRATION OF ELECTOR WHO CHANGES RESIDENCE.

An elector who moves to another county within the state or to another state within thirty (30) days prior to any election shall be permitted to vote in the ensuing election by absentee ballot or at the polling place assigned to the elector's prior address.

34-414 & 34-415. REPEALED.

34-416. REGISTRATION APPLICATIONS.

(1) The registration application shall contain the following warning: WARNING: Any elector who supplies any information, knowing it to be false, is guilty of perjury.

(2) The elector shall read the warning set forth in subsection (1) of this section and shall sign his name in an appropriate place on the completed application.

(3) The registration application completed and signed as provided in this section constitutes the official registration application of the elector. The county clerk shall keep and file all such applications in a convenient manner in his office. Such applications shall be considered confidential and unavailable for public inspection and copying except as provided by subsection (25) of section 74-106, Idaho Code.

(4) The statewide voter registration database maintained by the secretary of state's office shall constitute the register of electors.

34-417. REPEALED.

34-418. WEEKLY REVIEW OF NEW REGISTRATION CARDS -- REPORT TO INTERESTED OFFICIALS.

Each week the county clerk shall review the registration cards of all newly registered electors for the past weekly period to determine whether they have been previously registered to vote in another state or in another county within this state. The county clerk or secretary of state, through the statewide voter registration system, shall notify the proper registration official or county clerk where the elector was previously registered so that the prior registration may be canceled. The form of such notice shall be prescribed by the secretary of state.

34-419. SUSPENSION OF REGISTRATION OF ELECTORS WHO APPEAR NOT TO BE CITIZENS OF THE UNITED STATES.

The county clerk shall remove from the register of electors the official registration application of any elector who appears by the registration records in the office of the county clerk not to be a citizen of the United States and shall suspend the registration of such elector. The county clerk shall mail a written notice of such removal and suspension to the elector at his residence address indicated on the application. If the elector proves to the county clerk that he is in fact a citizen of the United States, his application shall be replaced in the register and his registration reinstated.

34-420. NO ELECTOR'S REGISTRATION SHALL BE CANCELED WHILE SERVING IN THE ARMED FORCES -- EXCEPTION.

Except as provided in section 34-435, Idaho Code, or for registering to vote in another jurisdiction, no elector's registration shall be canceled, nor shall he be deprived of his right to vote at any election by reason of the removal of his official registration application from the register of electors, during any period that he

is serving in the armed forces of the United States or of any ally of the United States.

34-421 THROUGH 34-430. REPEALED.

34-431. CHALLENGES OF ENTRIES IN ELECTION REGISTER.

At the time of any election, any registered elector may challenge the entry of an elector's name as it appears in the election register. Such a challenge will be noted in the remarks column following the elector's name stating the reason, such as "died," "moved," or "incorrect address." The individual making the challenge shall sign his name following the entry.

34-432. CORRECTION OF ELECTION REGISTER FROM CHALLENGES AT ELECTION.

(1) No later than the ninth Friday after each election, the county clerk shall examine the election register and note the challenges as described in section 34-431, Idaho Code. The county clerk shall mail a written inquiry to the challenged elector at his mailing address as indicated on his registration card. Such inquiry shall state the nature of the challenge and provide a suitable form for reply.

(2) Within twenty (20) days from the date of mailing of the written inquiry, the elector may, in person or in writing, state that the information on his registration card is correct. Upon receipt of such a statement or request, the county clerk shall determine whether the information satisfies the challenge. If the county clerk determines that the challenge has not been satisfied, the county clerk shall schedule a hearing on the challenge and shall notify the elector of the place and time of the hearing. The hearing shall be held no later than twenty (20) days after notice is given. At the hearing, the challenged elector may present evidence of qualification. If the county clerk, upon the conclusion of the hearing, determines that the challenged elector's registration is not valid, the county clerk shall cancel the registration. If a challenged elector fails to make the statement or request in response to the inquiry, the county clerk shall cancel the registration.

(3) The county clerk may make inquiry into the validity of any registration at any time. The inquiry shall proceed as provided in this section.

34-433. MONTHLY CORRECTION OF ELECTION REGISTER FROM REPORTED DEATHS.

The state board of health [and welfare] shall, on or about the 25th day of each month, furnish to the secretary of state a listing showing the name, age, county of residence and residence address of each Idaho resident who has died during the preceding month. The secretary of

state shall sort this list by county and furnish a copy of same to each county clerk. Each county clerk shall immediately cancel all registrations of individuals reported as deceased by the state board of health [and welfare] in the board's report to the secretary of state.

34-434. RETENTION OF NOTICES AND CORRESPONDENCE RELATING TO CORRECTION OF ELECTION REGISTERS.

Copies of all notices and other correspondence issued pursuant to the directives contained in sections 67 and 68 of this act [34-432, 34-433, Idaho Code,] shall be retained by the county clerk for a period of two (2) years from date of mailing.

34-435. CANCELLATION OF REGISTRATIONS FOLLOWING ANY GENERAL ELECTION OF THOSE NOT VOTING FOR FOUR YEARS.

Within one hundred twenty (120) days following the date of the general election, the county clerk shall examine the election register and the signed statements of challenge made at that election. After this examination, the county clerk shall immediately cancel the registration of any elector who did not vote at any election in the past four (4) years.

This section shall be construed as to provide for a uniform four (4) year registration period for all electors.

Those who have not voted at any election for the past four years have their voter registration canceled. For this reason, it is imperative that city clerks confirm that candidates are registered, even those who are currently serving in office.

34-436. RETENTION OF CORRESPONDENCE RELATING TO CANCELLATION OF VOTER'S REGISTRATION.

All correspondence relating to the cancellation of an elector's registration shall be preserved by the county clerk for a period of two (2) years following the time of any general election.

34-437. FURNISHING LISTS OF REGISTERED ELECTORS -- RESTRICTIONS.

(1) Each of the county clerks, upon receiving a request shall supply to any individual, a current list of the registered electors of the county and their addresses, arranged in groups according to election precincts. The county clerks shall prepare an original of the above list from the state voter registration system at county expense. Any person desiring a copy of the original list shall be furnished the same, and the county clerk shall assess the individual an amount which will compensate the county for the cost of reproducing such copy.

(2) No person to whom a list of registered electors is made available or supplied under subsection (1) of this section and no person who acquires a list of registered electors prepared from such list shall use any information contained therein for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. Provided however, that any such list and label may be used for any political purpose.

County clerks are obligated to provide lists of registered electors from the statewide voter registration database upon request.

For more information on the database, see the commentary below the following section. The law prohibits the use of such lists for commercial purposes, but expressly permits use of such lists for campaign mailings and other political activities.

34-437A. STATEWIDE LIST OF REGISTERED ELECTORS.

(1) The secretary of state, in conjunction with county clerks, shall develop and implement a single, uniform official, centralized, interactive, computerized statewide voter registration system as required by the help America vote act of 2002 (P.L. 107-252).

(2) The statewide system shall contain the name and registration information of every legally registered voter in the state and assign a unique identifier to each legally registered voter in the state, and include the following:

(a) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the state.

(b) The computerized list shall contain the name and registration information of every legally registered voter in the state.

(c) Under the computerized list, a unique identifier shall be assigned to each legally registered voter in the state.

(d) The computerized list shall be coordinated with other agency databases within the state.

(e) Any election official in the state, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.

(f) All voter registration information obtained by any local election official in the state shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.

(g) The secretary of state shall provide such support as may be required so that local election officials are able to enter information as described in subsection (2)(f) of this section.

(h) The computerized list shall serve as the official voter registration list for the conduct of all elections for federal office in the state.

(3) Any person desiring a copy of the statewide list of registered electors shall be furnished the same, and the secretary of state shall assess the individual an amount which will compensate the state for the cost of reproducing such copy.

No person to whom a list of statewide electors is furnished and no person who acquires a list of statewide electors prepared from such list shall use any information contained therein for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. Provided however, that any such list and label may be used for any political purpose.

A major change implemented by the Help America Vote Act is the requirement for a single, uniform, official, centralized, interactive, computerized statewide voter registration database.

The database must:

Include each registered person in the state and each person must be assigned a unique identifier;

Be the single system in the state for storing and managing the list of registered voters;

Be coordinated with other state agencies and state databases;

Be immediately accessible by state and local election officials; and

Serve as the official voter registration list for federal elections.

34-437B. FURNISHING LISTS OF REGISTERED ELECTORS TO SCHOOL DISTRICTS.

Each of the county clerks, upon receiving a request therefor, not later than the thirtieth day prior to a school election, shall, not later than the seventh day prior to the election, supply to a requesting school board a list of registered electors, that are within the school district within which a school district election is to be held. The county clerk may assess the school board an amount which will compensate the county for the cost of preparing such a list.

34-438. REPEALED.

34-439. DISCLOSURES IN ELECTIONS TO AUTHORIZE BONDED INDEBTEDNESS.

(1) Notwithstanding any other provision of law, any taxing district that proposes to submit any question to the electors of the district that would authorize any bonded indebtedness shall provide a brief official statement setting forth in simple, understandable language information on the proposal substantially as follows:

(a) The purpose for which the bonds are to be used including, but not necessarily limited to, a description of the facility and/or project that will be financed, in whole or in part, by the sale of the bonds; the date of the election; and the principal amount of the bonds to be issued;

(b) The anticipated interest rate on the proposed bonds based upon current market rates and a maximum interest rate if a maximum is specified in the question to be submitted to electors;

(c) The total amount to be repaid over the life of the bonds based on the anticipated interest. Such total shall reflect three (3) components: a total of the principal to be repaid; a total of the interest to be paid; and the sum of both;

(d) The estimated average annual cost to the taxpayer of the proposed bond, in the format of "A tax of \$ per \$100,000 of taxable assessed value, per year, based on current conditions";

(e) The length of time, reflected in months or years, in which the proposed bonds will be paid off or retired; and

(f) The total existing indebtedness, including interest accrued, of the taxing district.

(2)(a) The formula for calculating the estimated average annual cost to the taxpayer shall be as follows:

$$((\text{Bond Total}/\text{Taxable Value}) \times 100,000)/\text{Duration} = \text{estimated average annual cost to taxpayer; and}$$

(b) The elements of which are defined as:

(i) "Bond total" means the total amount to be bonded, from subsection (1)(c) of this section as based on the anticipated interest rate in subsection (1)(b) of this section;

(ii) "Duration" means the time, in years, from subsection (1)(e) of this section; and

(iii) "Taxable value" means the most recent total taxable value for property for the applicable taxing district, which shall be obtained from the applicable county treasurer or assessor's

office.

(3) The official statement shall be made a part of the ballot prior to the location on the ballot where a person casts a vote and shall be included in the official notice of the election.

34-439A. DISCLOSURES IN ELECTIONS TO AUTHORIZE LEVY.

(1) Notwithstanding any other provision of law except for the provisions of section 63-802(1)(g), Idaho Code, any taxing district that proposes to submit any question to the electors of the district that would authorize any levy, except for the levies authorized for the purposes provided in sections 63-802(1)(g) and 33-802(4), Idaho Code, and except for levies relating to bonded indebtedness where section 34-439, Idaho Code, applies, shall include in the ballot question, or in a brief official statement on the ballot but separate from the ballot question, a disclosure setting forth in simple, understandable language information on the proposal substantially as follows:

(a) The purpose for which the levy shall be used; the date of the election; and the dollar amount estimated to be collected each year from the levy;

(b) The estimated average annual cost to the taxpayer of the proposed levy, in the form of "A tax of \$ per one hundred thousand dollars (\$100,000) of taxable assessed value, per year, based on current conditions." The dollar amount shall be calculated by multiplying the expected levy rate by one hundred thousand dollars (\$100,000); and

(c) The length of time, reflected in months or years, in which the proposed levy will be assessed.

(2) The information called for in subsection (1) of this section shall be placed prior to the location on the ballot where a person casts a vote and shall also be included in like manner in the official notice of the election.

Recall Elections: Idaho Code Title 34, Chapter 17

Idaho Code Title 34, chapter 17 lays out the steps for perfecting a recall petition and holding a recall election. For the purposes of this manual, only those portions of the recall law that apply to cities are included.

34-106. LIMITATION UPON ELECTIONS (EXCERPTS).

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

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

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

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

...

(7) ...the second Tuesday in March of each year and on the last Tuesday in August of each year...

...

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

...

The recall election dates for 2019 are: Tuesday, March 12; Tuesday, May 21; Tuesday, August 27; and Tuesday, November 5.

The recall election dates for 2020 are: Tuesday, March 10; Tuesday, May 19; Tuesday, August 25; and Tuesday, November 3.

34-1701. OFFICERS SUBJECT TO RECALL (EXCERPTS).

The following public officers, whether holding their elective office by election or appointment, and none other, are subject to recall:

...

(3) City officers:

(a) The mayor;

(b) Members of the city council.

...

34-1702. REQUIRED SIGNATURES ON PETITION (EXCERPTS).

A petition for recall of an officer shall be instituted by filing with the appropriate official a verified written petition requesting such recall.

...

(4) If the petition seeks recall of any of the officers named in subsection (3) of section 34-1701, Idaho Code, the petition shall be filed with the city clerk, and must be signed by registered electors of the city equal in number to twenty percent (20%) of the number of electors registered to vote at the last general city election held in the city for the election of officers.

...

34-1703. FORM OF PETITION (EXCERPT).

...

(4) The recall petition for city officers shall be in substantially the following form:

RECALL PETITION

To the Honorable, City Clerk for the City of

We, the undersigned citizens and registered electors of the City of, respectfully demand that, holding the office of, of the City of, be recalled by the registered electors of the City of for the following reasons (setting out the reasons for recall in no more than 200 words): that a special election therefor be called; that we, each for himself say: I am a registered elector of the City of, my residence, address including city, and the date I signed this petition are correctly written after my name.

person who signed this sheet of the foregoing petition signed his or her name thereto in my presence. I believe that each has stated his or her name and the accompanying required information on the signature sheet correctly, and that the person was eligible to sign this petition.

(Signature)

Post office address

.....

Subscribed and sworn to before me this day of,

(Notary Seal)

.....

Notary Public

Residing at

34-1706. EXAMINATION AND CERTIFICATION OF SIGNATURES.

All petitions with attached signature sheets shall be filed on the same day with the city clerk. The city clerk shall promptly transmit the petitions and attached signature sheets to the county clerk. An examination to verify whether or not the petition signers are qualified electors shall be conducted by the county clerk and a certificate shall be attached to the signature sheets as provided in section 34-1807, Idaho Code. This examination shall not exceed fifteen (15) business days from the date of receipt of the petitions.

34-1707. SUFFICIENCY OF PETITION -- NOTIFICATION -- EFFECT OF RESIGNATION -- SPECIAL ELECTION. (EXCERPTS).

...

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

(a) If the officer being recalled resigns his office within five (5) business days after notice from the city clerk, 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 city clerk, a special

election shall be ordered by the city clerk. The special election must be held on the date prescribed in section 34-106, Idaho Code. The election shall be conducted by the county clerk in the manner provided in section 34-1401, Idaho Code, and shall be conducted citywide.

(5) In the event that a petition is found not to have the required number of signatures, the officer shall continue in office and no new recall petition may be circulated for a period of ninety (90) days against the same officer.

34-1708. FORM OF RECALL BALLOT.

The ballot at any recall election shall be headed "RECALL BALLOT" and on the ballot shall be printed in not more than two hundred (200) words the reason for demanding the recall of the officer named in the recall petition, and in not more than two hundred (200) words the officer's justification of his course in office. Then the question of whether the officer should be recalled shall be placed on the ballot in a form substantially similar to the following:

- FOR recalling who holds office of
- AGAINST recalling who holds office of

34-1709. OFFICER TO CONTINUE IN OFFICE.

The officer named in the recall petition shall continue to perform the duties of his office until the results of the special recall election are officially declared.

34-1710. CONDUCT OF SPECIAL RECALL ELECTION.

Special elections for the recall of an officer shall be conducted and the results thereof canvassed and certified in all respects as general elections, except as otherwise provided. Nothing in this chapter shall preclude the holding of a recall election with another election.

34-1711. CANVASS OF RETURNS (EXCERPTS).

(1) The board of county commissioners shall act as the board of canvassers for all special recall elections that involve elections held wholly or partly within their county.

...

(d) For all special recall elections involving city or special district officials, the board of county commissioners shall meet within ten (10) days after said election to canvass the votes cast

at such election, and the county clerk shall immediately after the completion thereof, proclaim the results. The county clerk shall certify the results of the recall election to the clerk of the political subdivision for which the election was held.

As with any other election, the results of the recall election must be formally accepted by motion of the city council and included in the minutes of the council meeting (by precinct, if the city has multiple precincts) following the canvass of votes by the county commissioners.

34-1712. GENERAL ELECTION LAWS CONTROL.

(1) The provisions relating to general elections, including the payment of expenses of conducting the recall election, shall govern special recall elections except where otherwise provided.

(2) Whenever a special recall election is ordered, notice must be issued in the same manner as for a general election.

(3) To recall any officer, a majority of the votes cast at the special recall election must be in favor of such recall, and additionally, the number of votes cast in favor of the recall must equal or exceed the votes cast at the last general election for that officer. If the officer was appointed or was not required to stand for election, then a majority of the votes cast in the recall election shall be the number necessary for recall.

(4) If recalled, an officer shall be recalled as of the time when the results of the special recall election are proclaimed, and a vacancy in the office shall exist.

(5) If an officer is recalled from his office the vacancy shall be filled in the manner provided by law for filling a vacancy in that office arising from any other cause.

34-1713. TIME WITHIN WHICH RECALL MAY BE FILED -- REMOVAL OF SIGNATURES.

(1) No petition for a recall shall be circulated against any officer until he has actually held office under the current term for at least ninety (90) days.

(2) After one (1) special recall election, no further recall petition shall be filed against the same officer during his current term of office, unless the petitioners first pay into the public treasury which has paid such special recall election expenses the whole amount of the expenses for the preceding recall election. The specific reason for recall in one (1) recall petition for which an election has been held cannot be the basis for a second recall petition during that current term of office.

(3) The signer of any recall petition may remove his own name from the petition by crossing out, obliterating, or otherwise defacing his own signature at any time prior to the time when the petition is filed.

34-1714. PROHIBITED ACTS -- PENALTIES.

(1) A person is guilty of a felony, who:

(a) Signs any name other than his own to any recall petition;

(b) Knowingly signs his name more than once on the same recall petition;

(c) Knowingly signs his name to any recall petition for the recall of any state, county or city officer if he is not a registered elector;

(d) Wilfully or knowingly circulates, publishes or exhibits any false statement or representation concerning the contents, purport or effect of any recall petition for the purpose of obtaining any signature to any such petition, or for the purpose of persuading any person to sign any such recall petition;

(e) Presents to any officer for filing any recall petition to which is attached, appended or subscribed any signature which the person so filing such petition knows to be false or fraudulent, or not the genuine signature of the person purporting to sign such petition, or whose name is attached, appended or subscribed thereto;

(f) Circulates or causes to circulate any recall petition, knowing the same to contain false, forged or fictitious names;

(g) Makes any false affidavit concerning any recall petition or the signatures appended thereto;

(h) Offers, proposes or threatens for any pecuniary reward or consideration:

(i) To offer, propose, threaten or attempt to sell, hinder or delay any recall petition or any part thereof or any signatures thereon;

(ii) To offer, propose or threaten to desist from beginning, promoting or circulating any recall petition;

(iii) To offer, propose, attempt or threaten in any manner or form to use any recall petition or any power of promotion or opposition in any manner or form for extortion, blackmail or secret or private intimidation of any person or business interest.

(2) A public officer is guilty of a felony, who:

(a) Knowingly makes any false return, certification or affidavit concerning any recall petition, or the signatures appended thereto.

34-1715. REFUSAL TO ACCEPT PETITION -- MANDATE -- INJUNCTION.

If the city clerk refuses to accept and file any petition for the recall of a public officer with the requisite number of eligible signatures, any citizen may apply within ten (10) business days after such refusal to the district court for a writ of mandamus to compel him to do so. If it shall be decided by the court that such petition is legally sufficient, the city clerk shall then accept and file the recall petition, with a certified copy of the judgment attached thereto, as of the date on which it was originally offered for filing in his office, except that the time limitations required by section 34-1704(2), Idaho Code, shall begin to run only as of the date of the court judgment, which shall be so stated in the judgment. On a showing that the petition is not legally sufficient, the court may enjoin the city clerk and all other officers from certifying or printing any official ballot for a recall election. All such suits shall be advanced on the court docket and heard and decided by the court as quickly as possible. Either party may appeal to the court of appeals within ten (10) business days after a decision is rendered. The district court of the state of Idaho in and for Ada County shall have jurisdiction in all cases involving the recall of state officers.

Initiative & Referendum Elections

Idaho law on city initiative and referendum elections has changed substantially as a result of the passage of House Bill 216 by the 2015 Idaho Legislature. The legislation repealed Idaho Code 50-501, which required each city to have an ordinance setting forth procedures for initiative/referendum. Now, cities will follow the procedures in the state initiative/referendum law—Idaho Code Title 34, Chapter 18—with some specific changes set forth in Idaho Code 34-1801B. City initiative/referendum ordinances are void as of July 1, 2015, so cities are free to repeal these ordinances since they will be superseded by state law.

The text of Idaho Code Title 34, Chapter 18 provided below is specifically conformed to the requirements for city elections: references to the Secretary of State have been changed to the City Clerk, references to the Attorney General have been changed to the city attorney, and references to the Idaho Legislature have been changed to the City Council.

34-106. LIMITATION UPON ELECTIONS (EXCERPT).

(8) A city initiative or referendum election shall be held on the Tuesday following the first Monday in November of odd-numbered years. A ... bond, levy and any other ballot question elections conducted by any political subdivision shall be held on the nearest date authorized in subsection (1) of this section which falls more than sixty (60) days after the clerk of the political subdivision orders that such election shall be held in May or November of even-numbered years or more than fifty (50) days after the order for all other elections, unless otherwise provided by law. Ballot language for any question to be placed on the ballot shall be submitted to the county clerk at least sixty (60) days before an election held in May or November of even-numbered years and at least fifty (50) days before all other elections.

34-1801B. INITIATIVE AND REFERENDUM PROCEDURES FOR CITIES.

Each city shall allow direct legislation by the people through the initiative and referendum. Cities shall follow the procedures set forth in this chapter subject to the following provisions:

(1) The city attorney shall perform the duties assigned to the attorney general.

(2) The city clerk shall perform those duties assigned to the secretary of state.

(3) City initiative and referendum elections shall be held on the Tuesday following the first Monday in November in odd-numbered years.

(4) An action brought pursuant to section 34-1809, Idaho Code, challenging the ballot title or short title shall be brought in the district court in the county in which the city is located.

(5) Pursuant to section 34-1809, Idaho Code, the city attorney shall prepare recommendations concerning revision of the initiative or referendum, issue a certificate of review to the city clerk, and shall prepare the ballot title and short title.

(6) To be eligible to sign a petition for city initiative or referendum, a person shall be a qualified elector of the city at the time of signing thereon.

(7) To perfect a petition for city initiative or referendum the petition shall have signatures from at least twenty percent (20%) of the total number of qualified electors voting in the last general city election in November of an odd-numbered year.

(8) The provisions of section 34-1805, Idaho Code, relating to the number of required signatures and geographic distribution of signatures shall not apply to city initiative or referendum.

(9) Any person who circulates a petition for city initiative or referendum shall be a resident of the state of Idaho and at least eighteen (18) years of age, and pursuant to section 34-1807, Idaho Code, shall certify their belief that each signer of the petition is a qualified elector of the state of Idaho and the city.

(10) A copy of all petitions and signature sheets shall be kept by the city clerk as a public record.

(11) The prospective petition for referendum, as provided by section 34-1804, Idaho Code, shall be filed not more than sixty (60) days following publication of the adopted ordinance as provided by section 50-901, Idaho Code.

(12) The deadline for submission of signatures to the city clerk is one hundred eighty (180) days after the petitioners for initiative or referendum receive the official ballot title from the city clerk, or April 30 of the year of the initiative or referendum election, whichever is earlier.

(13) Petitioners must submit the signed initiative or referendum petitions to the county clerk for verification not later than the close of business on the first day of May in the year of the initiative or referendum election, or one hundred eighty (180) days after the petitioners receive the official ballot title from the city clerk, whichever is earlier.

(14) The county clerk has sixty (60) calendar days to verify the signatures as provided in subsection (3) of section 34-1802, Idaho Code.

(15) The city council shall have the option to adopt the ordinance proposed by initiative within thirty (30) days after the notification pursuant to section 34-1807, Idaho Code, provided that the petition has the required number of signatures. The city council shall hold a

public hearing on the proposed ordinance within the thirty (30) day period, preceded by legal notice published once in the official city newspaper at least seven (7) days preceding the hearing. If the ordinance is not adopted by the council by the end of the thirty (30) day period, the initiative shall be put on the ballot.

(16) As provided by sections 34-1812A through 34-1812C, Idaho Code, a voters' pamphlet shall be prepared by the city clerk.

(17) To be passed into law, an initiative or referendum shall be approved by a majority of the votes cast on the measure.

(18) The mayor shall issue the proclamation provided by section 34-1813, Idaho Code.

(19) The city clerk shall publish an ordinance adopted by initiative or referendum within thirty (30) days after the proclamation by the mayor provided in subsection (18) of this section.

(20) All city ordinances setting forth procedures for initiative or referendum are void on July 1, 2015.

(21) This section does not apply to bond elections.

(22) This section does not apply to any local zoning legislation including, but not limited to, ordinances required or authorized pursuant to chapter 65, title 67, Idaho Code.

34-1801. STATEMENT OF LEGISLATIVE INTENT AND LEGISLATIVE PURPOSE.

The legislature of the state of Idaho finds that there have been incidents of fraudulent and misleading practices in soliciting and obtaining signatures on initiative or referendum petitions, or both, that false signatures have been placed upon initiative or referendum petitions, or both, that difficulties have arisen in determining the identity of petition circulators and that substantial danger exists that such unlawful practices will or may continue in the future. In order to prevent and deter such behavior, the legislature determines that it is necessary to provide easy identity to the public of those persons who solicit or obtain signatures on initiative or referendum petitions, or both, and of those persons for whom they are soliciting and obtaining signatures and to inform the public concerning the solicitation and obtaining of such signatures. It is the purpose of the legislature in enacting this act to fulfill the foregoing statement of intent and remedy the foregoing practices.

34-1801A. PETITION.

The following shall be substantially the form of petition for any law proposed by the initiative:

WARNING

It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure, or to sign such petition when he is not a qualified elector.

INITIATIVE PETITION

To the Honorable, City Clerk of the City of:

We, the undersigned citizens and qualified electors of the City of, respectfully demand that the following proposed law (setting out full text of measure proposed) shall be submitted to the qualified electors of the City of, for their approval or rejection at the general city election, to be held on the day of, A.D.,, and each for himself says: I have personally signed this petition; I am a qualified elector of the City of; my residence and city are correctly written after my name.

Signature	Printed Name	Residence Street and Number	City	Date
-----------	--------------	--------------------------------	------	------

(Here follow no more than twenty numbered lines for signatures.)

The petition for referendum on any act passed by the city council shall be in substantially the same form with appropriate title and changes, setting out in full the text of the act of the city council to be referred to the people for their approval or rejection.

34-1802. INITIATIVE PETITIONS -- TIME FOR GATHERING SIGNATURES -- TIME FOR SUBMISSION OF SIGNATURES TO THE COUNTY CLERK -- TIME FOR FILING.

(1) Except as provided in section 34-1804, Idaho Code, petitions for an initiative shall be circulated and signatures obtained beginning upon the date that the petitioners receive the official ballot title from the city clerk and extending one hundred eighty (180) days from that date or April 30 of the year of the next general city election, whichever occurs earlier. The last day for circulating petitions and obtaining signatures shall be the last day of April in the year an election on the initiative will be held.

(2) The person or persons or organization or organizations under whose authority the measure is to be initiated shall submit the petitions containing signatures to the county clerk for verification pursuant to the provisions of section 34-1807, Idaho Code. The signatures required shall be submitted to the county clerk not later than the close of business on the first day of May in the year an election on the initiative will be held, or one hundred eighty (180) days from the date the petitioner receives the official ballot title from the city clerk, whichever is earlier.

(3) The county clerk shall, within sixty (60) calendar days of the deadline for the submission of the signatures, verify the signatures contained in the petitions, but in no event shall the time extend beyond the last day of June in the year an election on the initiative will be held.

(4) Initiative petitions with the requisite number of signatures attached shall be filed with the city clerk not less than four (4) months before the election at which they are to be voted upon.

34-1803. REFERENDUM PETITIONS -- TIME FOR FILING -- WHEN ELECTION HELD -- EFFECTIVE DATE OF LAW.

Referendum petitions with the requisite number of signatures attached shall be filed with the city clerk not more than one hundred eighty (180) days after the petitioners for referendum receive the official ballot title from the city clerk, or April 30 of the year of the referendum election, whichever is earlier. All elections on measures referred to the people of the City of ... shall be had at the general city election. Any measure so referred to the people shall take effect and become a law when it is approved by a majority of the votes cast thereon, and not otherwise.

34-1803B. INITIATIVE AND REFERENDUM PETITIONS -- REMOVAL OF SIGNATURES.

(1) The signer of any initiative or referendum petition may remove his or her own name from the petition by crossing out, obliterating or otherwise defacing his or her own signature at any time prior to the time when the petition is presented to the county clerk for signature verification.

(2) The signer of any initiative or referendum petition may have his or her name removed from the petition at any time after presentation of the petition to the county clerk but prior to verification of the signature, by presenting or submitting to the county clerk a signed statement that the signer desires to have his name removed from the petition. The statement shall contain sufficient information to clearly identify the signer. The county clerk shall immediately strike the signer's name from the petition, and adjust the total of certified signatures on the petition accordingly. The statement shall be attached to, and become a part of the initiative or referendum petition.

34-1804. PRINTING OF PETITION AND SIGNATURE SHEETS.

Before or at the time of beginning to circulate any petition for the referendum to the people on any act passed by the city council, or for any law proposed by the initiative, the person or persons or organization or organizations under whose authority the measure is to be referred or initiated shall send or deliver to the city clerk a copy of such petition duly signed by at least twenty (20) qualified

electors of the city which shall be filed by said officer in his office, and who shall immediately transmit a copy of the petition to the city attorney for the issuance of the certificate of review as provided in section 34-1809, Idaho Code. All petitions for the initiative and for the referendum and sheets for signatures shall be printed on a good quality of bond or ledger paper in the form and manner as approved by the city clerk. To every sheet of petitioners' signatures shall be attached a full and correct copy of the measure so proposed by initiative petition; but such petition may be filed by the city clerk in numbered sections for convenience in handling. Every sheet of petitioners' signatures upon referendum petitions shall be attached to a full and correct copy of the measure on which the referendum is demanded, and may be filed in numbered sections in like manner as initiative petitions. Not more than twenty (20) signatures on one (1) sheet shall be counted.

34-1805. SPONSORS TO PRINT PETITION -- NUMBER OF SIGNERS REQUIRED.

After the form of the initiative or referendum petition has been approved by the city clerk as in sections 34-1801A through 34-1822, Idaho Code, provided, the same shall be printed by the person or persons or organization or organizations under whose authority the measure is to be referred or initiated and circulated in the city for the signatures of legal voters. Before such petitions shall be entitled to final filing and consideration by the city clerk there shall be affixed thereto the signatures of legal voters of at least twenty percent (20%) of the total number of qualified electors voting in the last general city election in November of an odd-numbered year.

34-1806. BINDING OF PETITION AND SIGNATURE SHEETS -- APPROVED MEASURES TO BE PUBLISHED.

When any such initiative or referendum petition shall be offered for filing the city clerk shall detach the sheets containing the signatures and affidavits and cause them all to be attached to one or more printed copies of the measure so proposed by initiative or referendum petitions. The city clerk shall file and keep such petitions as official public records. The city clerk shall cause every such measure so approved by the people to be published within thirty (30) days after the proclamation by the mayor provided by section 34-1813, Idaho Code.

34-1807. CIRCULATION OF PETITIONS -- VERIFICATION OF PETITION AND SIGNATURE SHEETS -- COMPARISON OF SIGNATURES WITH REGISTRATION OATHS AND RECORDS -- CERTAIN PETITIONS AND SIGNATURES VOID.

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. 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:

State of Idaho)
)ss.
County of)

I,, being first duly sworn, say: That I am a resident of the State of Idaho and at least eighteen (18) years of age: that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence: I believe that each has stated his or her name, address and residence correctly, that each signer is a qualified elector of the City of

Signed

.....

Post-office address

.....

Subscribed and sworn to before me this.... day of.....

(Notary Seal) Notary Public

.....

Residing at

.....

In addition to said affidavit the county clerk shall carefully examine said petitions and shall attach to the signature sheets a certificate to the city clerk substantially as follows:

State of Idaho)
)ss.
County of)

To the honorable, City Clerk of the City of

I,, County Clerk of County, hereby certify that signatures on this petition are those of qualified city electors.

Signed

.....

County Clerk or Deputy.

(Seal of office)

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.

Any petition upon 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. In addition to being a resident, a petition circulator shall be at least eighteen (18) years of age.

34-1808. FILING OF PETITION -- MANDATE -- INJUNCTION.

If the city clerk shall refuse to accept and file any petition for the initiative or for the referendum with the requisite number of signatures of qualified electors thereto attached, any citizen may apply, within ten (10) days after such refusal to the district court for a writ of mandamus to compel him to do so. If it shall be decided by the court that such petition is legally sufficient, the city clerk shall then file it, with a certified copy of the judgment attached thereto, as of the date on which it was originally offered for filing in his office. On a showing that any petition filed is not legally sufficient, the court may enjoin the city clerk and all other officers from certifying or printing on the official ballot for the ensuing election the ballot title and numbers of such measure. All such suits shall be advanced on the court docket and heard and decided by the court as quickly as possible. Either party may appeal to the Supreme Court within ten (10) days after a decision is rendered.

34-1809. REVIEW OF INITIATIVE AND REFERENDUM MEASURES BY CITY ATTORNEY -- CERTIFICATE OF REVIEW PREREQUISITE TO ASSIGNMENT OF BALLOT TITLE -- BALLOT TITLE -- JUDICIAL REVIEW.

(1) After receiving a copy of the petition from the city clerk as provided in section 34-1804, Idaho Code:

(a) The city attorney may confer with the petitioner and shall, within twenty (20) working days from receipt thereof, review the proposal for matters of substantive import and shall recommend to the petitioner such revision or alteration of the measure as may be deemed necessary and appropriate.

(b) The recommendations of the city attorney shall be advisory only and the petitioner may accept or reject them in whole or in part.

(c) The city attorney shall issue a certificate of review to the city clerk certifying that he has reviewed the measure for form and style and that the recommendations thereon, if any, have been communicated to the petitioner, and such certificate shall be issued whether or not the petitioner accepts such recommendations. The certificate of review shall be available for public inspection in the office of the city clerk.

(2) Within fifteen (15) working days after the issuance of the certificate of review, the petitioner, if he desires to proceed with his sponsorship, shall file the measure, as herein provided, with the

city clerk for assignment of a ballot title, and the city clerk shall thereupon submit to the city attorney two (2) copies of the measure filed.

(a) Within ten (10) working days after receiving copies of the petition, the city attorney shall provide ballot titles as provided for in this subsection and return one (1) copy of the petition to the city clerk, with its ballot title.

(b) A copy of the ballot title as prepared by the city attorney shall be furnished by the city clerk with the approved form of any initiative or referendum petition, as provided herein, to the person or persons or organization or organizations under whose authority the measure is initiated or referred.

(c) The ballot titles shall be used and printed on the covers of the petition when in circulation; the short title shall be printed in type not less than twenty (20) points on the covers of all such petitions circulated for signatures.

(d) The ballot title shall contain:

(i) Distinctive short title not exceeding twenty (20) words by which the measure is commonly referred to or spoken of and which shall be printed in the foot margin of each signature sheet of the petition.

(ii) A general title expressing in not more than two hundred (200) words the purpose of the measure.

(iii) The ballot title shall be printed with the numbers of the measure on the official ballot.

(e) In making the ballot title, the city attorney shall, to the best of his ability, give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not be intentionally an argument or likely to create prejudice either for or against the measure.

(3) Any person dissatisfied with the ballot title or the short title provided by the city attorney for any measure may appeal to the supreme court by petition, praying for a different title and setting forth the reason why the title prepared by the city attorney is insufficient or unfair.

(a) No appeal shall be allowed from the decision of the city attorney on a ballot title unless made within twenty (20) days after the ballot title is filed in the office of the city clerk; provided however, that this section shall not prevent any later judicial proceeding to determine the sufficiency of such title, nor shall it prevent any judicial decision upon the sufficiency of such title.

(b) A copy of every such ballot title shall be served by the city

clerk upon the person offering or filing such initiative or referendum petition, or appeal. The service of the ballot title may be by mail or electronic transmission and shall be made forthwith when it is received from the city attorney by the city clerk.

(c) The supreme court shall thereupon examine said measure, hear argument, and in its decision thereon certify to the city clerk a ballot title and a short title for the measure in accord with the intent of this section. The city clerk shall print on the official ballot the title thus certified to him.

(4) Any qualified elector of the state of Idaho may, at any time after the city attorney has issued a certificate of review, bring an action in the supreme court to determine the constitutionality of any initiative.

34-1810. PRINTING AND DESIGNATION OF BALLOT TITLES ON OFFICIAL BALLOTS.

(1) The city clerk, at the time he furnishes to the county clerk certified copies of the names of candidates for city offices shall furnish to the county clerk a certified copy of the ballot titles and numbers of the several measures to be voted upon at the ensuing general city election, and he shall use for each measure the ballot title designated in the manner herein provided.

(a) Such ballot title shall not resemble, so far as to probably create confusion, any such title previously filed for any measure to be submitted at that election.

(b) The ballot shall include a clear and concise statement as to the effect of a "yes" or "no" vote, prepared jointly by the city attorney and city clerk.

(2) The city clerk shall number the measures consecutively beginning with number (1), in the order in which the measures were finally filed with the city clerk. The measures shall be designated on the ballot as a "Proposition One," "Proposition Two," et cetera.

34-1811. MANNER OF VOTING -- PROCEDURE WHEN CONFLICTING MEASURES APPROVED.

The manner of voting upon measures submitted to the people shall be the same as is now or may be required and provided by law; no measure shall be adopted unless it shall receive an affirmative majority of the aggregate number of votes cast on such measure. If two (2) or more conflicting laws shall be approved by the people at the same election, the law receiving the greatest number of affirmative votes shall be paramount in all particulars as to which there is a conflict, even though such law may not have received the greatest majority of affirmative votes.

34-1812A. ARGUMENTS CONCERNING INITIATIVE AND REFERENDUM MEASURES.

Any voter or group of voters may on or before July 20 prepare and file an argument, not to exceed five hundred (500) words, for or against any measure. Such argument shall not be accepted unless accompanied by the name and address or names and addresses of the person or persons submitting it, or, if submitted on behalf of an organization, the name and address of the organization and the names and addresses of at least two (2) of its principal officers.

If more than one (1) argument for or more than one (1) argument against any measure is filed within the time prescribed, the city clerk shall select one (1) of the arguments for printing in the voters' pamphlets. In selecting the argument the city clerk shall be required to give priority in the order named to the arguments of the following:

- (1) The proponent of the initiative or referendum petition.
- (2) Bona fide associations of citizens.
- (3) Individual voters.

34-1812B. SUBMISSION OF REBUTTAL ARGUMENTS.

When the city clerk has received the arguments which will be printed in the voters' pamphlet, the city clerk shall immediately send copies of the arguments in favor of the proposition to the authors of the arguments against and copies of the arguments against to the authors of the arguments in favor. The authors may prepare and submit rebuttal arguments not exceeding two hundred and fifty (250) words. The rebuttal arguments must be filed no later than August 1. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

34-1812C. VOTERS' PAMPHLET.

(1) Not later than September 25 before any general city election at which an initiative or referendum measure is to be submitted to the people, the city clerk shall cause to be printed a voters' pamphlet which shall contain the following:

- (a) A complete copy of the title and text of each measure with the number and form in which the ballot title thereof will be printed on the official ballot;
- (b) A copy of the arguments and rebuttals for and against each measure.

(2) The city clerk shall mail or distribute a copy of the voters' pamphlet to every household in the city. Sufficient copies of the voters' pamphlet shall also be sent to the county clerk. The county

clerk and the city clerk shall make copies of the voters' pamphlet available upon request.

(3) The voters' pamphlet shall be printed according to the following specifications:

(a) The pages of the pamphlet shall be not smaller than 6 x 9 inches in size;

(b) It shall be printed in clear readable type, no less than 10-point, except that the text of any measure may be set forth in no less than 7-point type; and

(c) It shall be printed on a quality and weight of paper which in the judgment of the city clerk best serves the voters.

34-1813. COUNTING, CANVASSING AND RETURN OF VOTES.

The votes on measures and questions shall be counted, canvassed and returned by the regular boards of judges, clerks and officers, as votes for candidates are counted, canvassed and returned, and the abstract made by the county auditor of votes on measures shall be returned to the city clerk in the manner provided for abstract of votes for city officers. It shall be the duty of the city clerk, in the presence of the mayor, to proceed within thirty (30) days after the election, and sooner if the returns be all received, to canvass the votes given for each measure, and the mayor shall forthwith issue his proclamation, giving the whole number of votes cast in the city for and against such measure and question, and declaring such measures as are approved by a majority of those voted thereon to be in full force and effect as the law of the city from the date of said proclamation; provided, that if two (2) or more measures shall be approved at said election which are known to conflict with each other or to contain conflicting provisions he shall also proclaim which is paramount in accordance with the provisions of sections 34-1801--34-1822.

34-1814. WHO MAY SIGN PETITION -- EFFECT OF WRONGFUL SIGNING -- PENALTY FOR WRONGFUL SIGNING.

Every person who is a qualified elector of the city may sign a petition for the referendum or for the initiative for any measure which he is legally entitled to vote upon. Any person signing any name other than his own to any petition, or knowingly signing his name more than once for the same measure at one election, or who is not at the time of signing the same a legal voter of the city, or any officer or person wilfully violating any provision of this statute, shall, upon conviction thereof be punished by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment in the penitentiary not exceeding two (2) years, or by both such fine and imprisonment, in the discretion of the court before which such conviction shall be had. Any such wrongful signatures are null and void and shall not be counted as a qualified signature. Any person circulating a petition, who knows,

or who in the exercise of reasonable care should know, that a signature is forged and who shall thereafter fail to strike through and thereby void such signature, and any person in a position of supervision of such person who suffers or permits a forged signature to remain on a petition shall pay a fine of not less than one thousand dollars (\$1,000) for each such signature.

34-1815. FALSE STATEMENTS SPOKEN OR WRITTEN CONCERNING PETITION UNLAWFUL -- FAILURE TO DISCLOSE MATERIAL PROVISIONS.

It shall be unlawful for any person to wilfully or knowingly circulate, publish or exhibit any false statement or representation, whether spoken or written, or to fail to disclose any material provision in a petition, concerning the contents, purport or effect of any petition mentioned in sections 34-1801A through 34-1822, Idaho Code, for the purpose of obtaining any signature to any such petition, or for the purpose of persuading any person to sign any such petition. It shall be unlawful for any person to solicit or obtain any signature on a petition without first showing the signer both the short title and the general title as defined in section 34-1809, Idaho Code, so that the signer has an opportunity to read them before signing the petition.

Any signature obtained without compliance with this section is null and void.

34-1816. FILING PETITION WITH FALSE SIGNATURES UNLAWFUL.

It shall be unlawful for any person to file in the office of any officer provided by law to receive such filing any petition mentioned in sections 34-1801--34-1822, to which is attached, appended or subscribed any signature which the person so filing such petition knows to be false or fraudulent or not the genuine signature of the person purporting to sign such petition, or whose name is attached, appended or subscribed thereto.

34-1817. CIRCULATING PETITION WITH FALSE, FORGED OR FICTITIOUS NAMES UNLAWFUL.

It shall be unlawful for any person to circulate or cause to be circulated any petition mentioned in sections 34-1801--34-1822, knowing the same to contain false, forged or fictitious names.

34-1818. FALSE AFFIDAVIT BY ANY PERSON UNLAWFUL.

It shall be unlawful for any person to make any false affidavit concerning any petition mentioned in sections 34-1801--34-1822, or the signatures appended thereto.

34-1819. FALSE RETURN, CERTIFICATION OR AFFIDAVIT BY PUBLIC OFFICIAL UNLAWFUL.

It shall be unlawful for any public official or employee knowingly to

make any false return, certification or affidavit concerning any petition mentioned in sections 34-1801--34-1822, or the signatures appended thereto.

34-1820. SIGNING MORE THAN ONCE OR WHEN NOT QUALIFIED UNLAWFUL.

It shall be unlawful for any person to knowingly sign his own name more than once to any petition mentioned in sections 34-1801--34-1822, or to sign his name to any such petition knowing himself at the time of such signing not to be qualified to sign the same.

34-1821. FELONIOUS ACTS ENUMERATED.

It shall be a felony for any person to offer, propose or threaten to do any act mentioned in this section of or concerning any petition mentioned in sections 34-1801--34-1822, for any pecuniary reward or consideration: (a) To offer, propose, threaten or attempt to sell, hinder or delay any petition or any part thereof or of any signatures thereon mentioned in sections 34-1801--34-1822; (b) To offer, propose, or threaten to desist, for a valuable consideration, from beginning, promoting or circulating any petition mentioned in sections 34-1801--34-1822, or soliciting signatures to any such petition; (c) To offer, propose, attempt or threaten in any manner or form to use any petition or power of promotion or opposition in any manner or form for extortion, blackmail or secret or private intimidation of any person or business interest.

34-1822. PENALTY FOR VIOLATIONS.

Any person, either as principal or agent, violating any of the provisions of sections 34-1801--34-1822 shall be punished upon conviction by imprisonment in the penitentiary or in the county jail not exceeding two (2) years, or by a fine not exceeding \$5000.00, or by both, excepting that imprisonment in the penitentiary and punishment by a fine shall be the only penalty for violation of any provision of section 34-1821.

34-1823. SEVERABILITY.

In the event that any part of chapter 18, title 34, Idaho Code, shall for any reason be determined void or unenforceable in any part thereof, the remainder thereof shall remain in full force and effect.

General Obligation Bond Elections

IDAHO CONSTITUTION ARTICLE VIII, SECTION 3. LIMITATIONS ON COUNTY AND MUNICIPAL INDEBTEDNESS [EXCERPT].

No county, city, board of education, or school district, or other subdivision of the state, shall incur any indebtedness, or liability, in any manner, or for any purpose, exceeding in that year, the income and revenue provided for it for such year, without the assent of two-thirds of the qualified electors thereof voting at an election to be held for that purpose, nor unless, before or at the time of incurring such indebtedness, provisions shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within thirty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void: Provided, that this section shall not be construed to apply to the ordinary and necessary expenses authorized by the general laws of the state...

34-106. LIMITATION UPON ELECTIONS (EXCERPTS).

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

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

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

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

...

(8) ...bond, levy and any other ballot question elections conducted by any political subdivision shall be held on the nearest date authorized in subsection (1) of this section which falls more than sixty (60) days after the clerk of the political subdivision orders that such election shall be held in May or November of even-numbered years or more than fifty (50) days after the order for all other elections, unless otherwise provided by law. Ballot language for any question to be placed on the ballot shall be submitted to the county clerk at least sixty (60) days before an election held in May or November of even-numbered years and at least fifty (50) days before all other elections.

...

City bond elections may be held in May or November in any year.

The bond election dates for 2019 are: Tuesday, May 21 and Tuesday, November 5.

The bond election dates for 2020 are: Tuesday, May 19 and Tuesday, November 3.

34-439. DISCLOSURES IN ELECTIONS TO AUTHORIZE BONDED INDEBTEDNESS.

(1) Notwithstanding any other provision of law, any taxing district that proposes to submit any question to the electors of the district that would authorize any bonded indebtedness shall provide a brief official statement setting forth in simple, understandable language information on the proposal substantially as follows:

(a) The purpose for which the bonds are to be used including, but not necessarily limited to, a description of the facility and/or project that will be financed, in whole or in part, by the sale of the bonds; the date of the election; and the principal amount of the bonds to be issued;

(b) The anticipated interest rate on the proposed bonds based upon current market rates and a maximum interest rate if a maximum is specified in the question to be submitted to electors;

(c) The total amount to be repaid over the life of the bonds based on the anticipated interest. Such total shall reflect three (3) components: a total of the principal to be repaid; a total of the interest to be paid; and the sum of both;

(d) The estimated average annual cost to the taxpayer of the proposed bond, in the format of "A tax of \$ per \$100,000 of taxable assessed value, per year, based on current conditions";

(e) The length of time, reflected in months or years, in which the proposed bonds will be paid off or retired; and

(f) The total existing indebtedness, including interest accrued, of the taxing district.

(2) (a) The formula for calculating the estimated average annual cost to the taxpayer shall be as follows:

$$((\text{Bond Total}/\text{Taxable Value}) \times 100,000)/\text{Duration} = \text{estimated average annual cost to taxpayer; and}$$

(b) The elements of which are defined as:

(i) "Bond total" means the total amount to be bonded, from subsection (1)(c) of this section as based on the anticipated interest rate in subsection (1)(b) of this section;

(ii) "Duration" means the time, in years, from subsection (1)(e)

of this section; and

(iii) "Taxable value" means the most recent total taxable value for property for the applicable taxing district, which shall be obtained from the applicable county treasurer or assessor's office.

(3) The official statement shall be made a part of the ballot prior to the location on the ballot where a person casts a vote and shall be included in the official notice of the election.

50-1019. PURPOSES FOR WHICH BONDS MAY BE ISSUED -- LIMITATION ON AMOUNT.

Every city incorporated under the laws of the territory of Idaho or of the state of Idaho shall have power and authority to issue city coupon bonds not to exceed in aggregate at any time, ten per cent (10%) of the assessed full cash valuation [two per cent (2%) of the market value for assessment purposes] of the real and personal property in said city, according to the assessment of the preceding year, for any or all of the purposes specified [in subsections 1 through 10 of this section,] as follows:

1. To provide for constructing, laying out, grading, curbing, draining, sidewalking or otherwise improving streets, alleys, intersections, crossings and crosswalks; and to construct, or aid in the construction of bridges across streams within or contiguous to, or within one (1) mile of the exterior limits of, such city.
2. To provide for the funding, refunding, purchase and redemption of the outstanding indebtedness, bonds may be issued under this section for such purposes, without submission of the question of issuance of such bonds to the electors of the city, when the same can be done to the profit and benefit of such city without incurring any additional liability.
3. To provide for the establishment of hospitals and cemeteries, either within or without the corporate limits of such city.
4. To provide for the purchase, improvement and equipment of lands and buildings thereon, for public parks, monuments, recreation facilities and zoos, either within or without the corporate limits of such city.
5. To provide for the purchase, erection, construction and furnishing of city public libraries.
6. To provide for the establishment of a fire department by the purchase of building sites, buildings, and suitable equipment and apparatus necessary to provide fire protection.
7. To provide for the purchase, acquisition, improvement and equipment of aviation facilities either wholly or partly within or

without the corporate limits of such city, or wholly or partly within or without the state of Idaho.

8. To provide for flood control by acquisition and purchase of right-of-way and to establish, alter, enlarge, improve, reconstruct and change the channels of watercourses or any stream, river or body of water within or without the corporate limits of the city.

9. To provide for the acquisition, construction, remodeling, improvement or otherwise, of buildings for public use, together with all necessary appurtenant facilities and equipment, including all necessary land for building sites, either within or without the corporate limits of such city.

10. To provide for the purchase, acquisition, erection and construction of off-street parking sites, structures, buildings, facilities, equipment and appurtenances.

11. To provide for the purchase, acquisition, improvement and equipment of transit systems.

All bonds of any municipality which were issued, sold and delivered to the purchasers thereof prior to April 12, 1967, for the purpose of providing for the building, laying, construction, equipment, extension, enlargement, alteration, improvement or maintenance of storm sewers or sanitary sewerage systems, shall be excluded when determining the aggregate amount of bonds of any city issued hereunder which are outstanding for the purpose of computing the debt limitation provided for in the first paragraph of this section.

50-1026. CITY BONDS -- ORDINANCE -- ELECTION.

Whenever the city council of a city shall deem it advisable to issue the coupon bonds of such city, the mayor and council shall provide therefor by ordinance, which shall specify and set forth all the purposes, objects, matters and things required by section 57-203, Idaho Code, and make provision for the collection of an annual tax sufficient to pay the interest on such proposed bonds as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within thirty (30) years from the time of contracting the same as required by the constitution and laws of the state of Idaho.

The ordinance shall also provide the date for holding an election that is in accordance with the dates authorized in section 50-405, Idaho Code, which falls more than forty-five (45) days after the clerk of the political subdivision orders that such election shall be held. Notice shall be given in the official newspaper of the city by the county clerk in accordance with election law in title 34, Idaho Code. Such election shall be conducted as other city elections. The voting at such elections must be by ballot, and the ballot used shall be substantially as follows: "In favor of issuing bonds to the amount of.... dollars for the purpose stated in Ordinance No.....," and

"Against issuing bonds to the amount of.... dollars for the purpose stated in Ordinance No....." If at such election, held as provided in this chapter, two-thirds (2/3) of the qualified electors voting at such election assent to the issuing of such bonds and the incurring of the indebtedness thereby created for the purpose aforesaid, such bonds shall be issued in the manner provided by the laws of the state of Idaho.

50-1026A. CITY BONDS -- PLEDGE OF REVENUES.

(a) In the ordinance required in section 50-1026, Idaho Code, providing for the issuance of bonds of a city to be issued to acquire, improve, construct or extend a revenue producing system or facility to be owned and operated by the city, the city council may pledge, as an additional source of payment of such bonds, all or any part of the revenues derived or to be derived from rates, fees, tolls, or charges imposed for the services, facilities, or commodities furnished by the revenue producing system or facility to be so acquired, improved or extended.

(b) The notice of the election on bonds provided for in section 50-1026, Idaho Code, shall describe any pledge of revenues made pursuant to this section. The proposition appearing on the ballot provided for in section 50-1026, Idaho Code, shall indicate that the bonds are to be additionally secured by a pledge of revenues of designated revenue producing systems or facilities owned and operated by the city.

(c) The city council of a city may, in the ordinance required in section 50-1026, Idaho Code, providing for the issuance of bonds to which revenues have been pledged as provided in this section, covenant to prescribe and collect reasonable rates, fees, tolls or charges for the services, facilities, or commodities furnished by any revenue producing system or facility owned and operated by the city, all or a portion of the revenues of which have been pledged to bonds of the city as provided in this section, and may covenant to prescribe and collect such rates, fees, tolls or charges as will produce revenues sufficient, in addition to any other requirements of law, to pay all or a portion of the maturing principal of an interest on the bonds to which such revenues have been pledged.

(d) The provisions of section 57-214, Idaho Code, to the contrary notwithstanding, bonds of a city to which revenues have been pledged as provided in this section, if issued to provide electric improvements or facilities, may be sold in such manner and at such price as the city council may in its discretion determine advisable, provided that such bonds may not be issued to acquire generation, transmission, or distribution facilities owned by other utilities without the consent of the utility owning the improvement or facility. Bonds of a city to which revenues have been pledged as provided in this section may be issued in coupon or registered form. The city council may provide for the use of a portion of the proceeds of sale of bonds to which revenues have been pledged as provided in this

section to pay interest on the bonds during the period to be covered by the construction of the facility or improvement for which the bonds are to be issued and to establish such reserves as the city council shall deem to be necessary.

(e) The provisions of section 50-1041, Idaho Code, shall not apply to bonds of a city to which revenues have been pledged as provided in this section. Such bonds shall be deemed not to have been issued under the revenue bond act.

Revenue Bond Elections

IDAHO CONSTITUTION ARTICLE VIII, SECTION 3. LIMITATIONS ON COUNTY AND MUNICIPAL INDEBTEDNESS (EXCERPT).

...and provided further that any city may own, purchase, construct, extend, or equip, within and without the corporate limits of such city, off street parking facilities, public recreation facilities, and air navigation facilities, and for the purpose of paying the cost thereof may, without regard to any limitation herein imposed, with the assent of two-thirds of the qualified electors voting at an election to be held for that purpose, issue revenue bonds therefor, the principal and interest of which to be paid solely from revenue derived from rates and charges for the use of, and the service rendered by, such facilities as may be prescribed by law, and provided further, that any city or other political subdivision of the state may own, purchase, construct, extend, or equip, within and without the corporate limits of such city or political subdivision, water systems, sewage collection systems, water treatment plants, sewage treatment plants, and may rehabilitate existing electrical generating facilities, and for the purpose of paying the cost thereof, may, without regard to any limitation herein imposed, with the assent of a majority of the qualified electors voting at an election to be held for that purpose, issue revenue bonds therefor, the principal and interest of which to be paid solely from revenue derived from rates and charges for the use of, and the service rendered by such systems, plants and facilities, as may be prescribed by law...

IDAHO CONSTITUTION ARTICLE VIII, SECTION 3D. MUNICIPAL ELECTRIC SYSTEMS -- AUTHORIZED INDEBTEDNESS.

Notwithstanding the limitations and requirements of Section 3, Article VIII, of the Constitution of the State of Idaho, any city owning a municipal electric system may:

(a) acquire, construct, install and equip electric generating, transmission and distribution facilities for the purpose of supplying electricity to customers located within the service area of each system established by law and for the purpose of paying the cost thereof, may issue revenue bonds with the assent of a majority of the qualified electors voting at an election held as provided by law; and

(b) incur indebtedness or liability under agreements to purchase, share, exchange or transmit wholesale electricity for the use and benefit of customers located within such service area;

provided that any revenue bonds, indebtedness or liability shall be payable solely from the rates, charges or revenues derived from the municipal electric system and shall not be secured by the full faith

and credit or the taxing power of the city, the state or any political subdivision.

IDAHO CONSTITUTION ARTICLE VIII, SECTION 3E. AIRPORTS AND AIR NAVIGATION FACILITIES -- AIRPORT RELATED PROJECTS -- REVENUE AND SPECIAL FACILITY BOND FINANCING.

Political subdivisions of the state and regional airport authorities as defined by law, if operating an airport, may acquire, construct, install, and equip land, facilities, buildings, projects or other property, which are hereby deemed to be for a public purpose, to be financed for, or to be leased, sold or otherwise disposed of to persons, associations or corporations, or to be held by the subdivision or regional airport authority, and may in the manner prescribed by law issue revenue and special facility bonds to finance the costs thereof; provided that any such bonds shall be payable solely from fees, charges, rents, payments, grants, or any other revenues derived from the airport or any of its facilities, structures, systems, or projects, or from any land, facilities, buildings, projects or other property financed by such bonds, and shall not be secured by the full faith and credit or the taxing power of the subdivision or regional airport authority. No provision of this constitution including, but not limited to, sections 3 and 4 of article VIII and section 4 of article XII, shall be construed as a limitation upon the authority granted under this section.

34-106. LIMITATION UPON ELECTIONS (EXCERPTS).

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

- (1) The dates on which elections may be conducted are:
 - (a) The third Tuesday in May of each year; and
 - (b) The Tuesday following the first Monday in November of each year.

...

- (8) ...bond, levy and any other ballot question elections conducted by any political subdivision shall be held on the nearest date authorized in subsection (1) of this section which falls more than sixty (60) days after the clerk of the political subdivision orders that such election shall be held in May or November of even-numbered years or more than fifty (50) days after the order for all other elections, unless otherwise provided by law. Ballot language for any question to be placed on the ballot shall be submitted to the county clerk at least sixty (60) days before an election held in May or

November of even-numbered years and at least fifty (50) days before all other elections.

...

City bond elections may be held in May or November in any year.

The bond election dates for 2019 are: Tuesday, May 21 and Tuesday, November 5.

The bond election dates for 2020 are: Tuesday, May 19 and Tuesday, November 3.

34-439. DISCLOSURES IN ELECTIONS TO AUTHORIZE BONDED INDEBTEDNESS.

(1) Notwithstanding any other provision of law, any taxing district that proposes to submit any question to the electors of the district that would authorize any bonded indebtedness shall provide a brief official statement setting forth in simple, understandable language information on the proposal substantially as follows:

(a) The purpose for which the bonds are to be used including, but not necessarily limited to, a description of the facility and/or project that will be financed, in whole or in part, by the sale of the bonds; the date of the election; and the principal amount of the bonds to be issued;

(b) The anticipated interest rate on the proposed bonds based upon current market rates and a maximum interest rate if a maximum is specified in the question to be submitted to electors;

(c) The total amount to be repaid over the life of the bonds based on the anticipated interest. Such total shall reflect three (3) components: a total of the principal to be repaid; a total of the interest to be paid; and the sum of both;

(d) The estimated average annual cost to the taxpayer of the proposed bond, in the format of "A tax of \$ per \$100,000 of taxable assessed value, per year, based on current conditions";

(e) The length of time, reflected in months or years, in which the proposed bonds will be paid off or retired; and

(f) The total existing indebtedness, including interest accrued, of the taxing district.

(2) (a) The formula for calculating the estimated average annual cost to the taxpayer shall be as follows:

$((\text{Bond Total}/\text{Taxable Value}) \times 100,000)/\text{Duration} = \text{estimated average annual cost to taxpayer};$ and

(b) The elements of which are defined as:

(i) "Bond total" means the total amount to be bonded, from subsection (1)(c) of this section as based on the anticipated interest rate in subsection (1)(b) of this section;

(ii) "Duration" means the time, in years, from subsection (1)(e) of this section; and

(iii) "Taxable value" means the most recent total taxable value for property for the applicable taxing district, which shall be obtained from the applicable county treasurer or assessor's office.

(3) The official statement shall be made a part of the ballot prior to the location on the ballot where a person casts a vote and shall be included in the official notice of the election.

50-1029. DEFINITIONS.

For the purpose of this act, unless a different meaning clearly appears from the context, the following terms shall be ascribed the following meanings:

(a) The term "works" shall include water systems, drainage systems, sewerage systems, recreation facilities, off-street parking facilities, airport facilities and air navigation facilities, electric systems or any of them as herein defined;

(b) The term "water system" shall include reservoirs, storage facilities, water mains, conduits, aqueducts, pipelines, pumping stations, filtration plants, and all appurtenances and machinery necessary or useful for obtaining, storing, treating, purifying or transporting water for domestic uses or purposes. The term "domestic uses or purposes" includes by way of example but not by way of limitation the use of water at any temperature for space heating or cooling, culinary, sanitary, recreational or therapeutic purposes;

(c) The term "sewerage system" shall include intercepting sewers, outfall sewers, force mains, collecting sewers, pumping stations, ejector stations, treatment plants, structures, buildings, machinery, equipment, connections and all other appurtenances necessary, useful or convenient for the collection, transportation, treatment, purification, and disposal of the sewage of any city or any part of territory included within the territorial limits of any city;

(d) The term "off-street parking" shall include all machinery, equipment and appurtenances, including lands, easements, rights-of-way and buildings required, necessary or useful for the parking of motor vehicles on lands or places other than public highways;

(e) The term "airport facilities and air navigation facilities" shall include land acquisition, construction costs, buildings, equipment, and other necessary appurtenances, either wholly or

partly within or without the corporate limits of such political subdivision of the state or owned or operated by a regional airport authority as defined by law, or wholly or partly within or without the state of Idaho, which are hereby deemed to be for a public purpose, which facilities are to be financed for, or to be leased, sold or otherwise disposed of to private persons, associations or corporations, or to be held by the political subdivision of the state or regional airport authority as defined by law;

(f) The term "rehabilitate existing electrical generating facilities" shall include the reconstruction, replacement, and betterment of existing generation facilities, properties and other related structures, together with all necessary equipment and appurtenances related thereto, used in or useful for the generation of electricity, including power plants, turbine generators, dams, penstocks, step-up transformers, electrical equipment and other facilities related to hydroelectric production plants, and related facilities for flood control, environmental, public recreation and fish and wildlife mitigation and enhancement purposes made necessary in order to comply with applicable state and federal requirements, but does not include transmission and distribution lines and their related structures, equipment and appurtenances;

(g) The term "drainage system" shall include ditches, channels, creeks, ponds, intake structures, diversion structures, levies, storm sewers, pump stations, force mains, buildings, easements, machinery, equipment, connections and all other appurtenances necessary, useful or convenient for the collection, treatment and disposal of any surface water, nuisance ground or subsurface water or stormwater of any city; and

(h) The term "electric system" shall include all electric generation, transmission and distribution facilities comprising a municipal electric system and used to supply electricity to customers located within the service area of such system established by law, including all properties, structures, facilities, equipment and appurtenances used in or useful for the generation, transmission and distribution of electricity. The term "electric system" includes, by way of example, but not by way of limitation, power plants for the generation of electricity by any means, substations, transformers, transmission lines, distribution lines, and all other facilities, equipment and appurtenances necessary or desirable in connection with the generation, transmission or distribution of electricity, including energy conservation, public purpose and environmental facilities, programs and measures, and joint electric facilities as defined in section 50-342A, Idaho Code.

50-1030. POWERS.

In addition to the powers which it may now have, any city shall have power under and subject to the following provisions:

(a) To acquire by gift or purchase and to construct, reconstruct, improve, better or extend any works within or without the city, or partially within or partially without the city, or within any part of the city, and acquire by gift or purchase lands or rights in lands or water rights in connection therewith, including easements, rights-of-way, contract rights, leases, franchises, approaches, dams and reservoirs; to sell excess or surplus water under such terms as are in compliance with section 42-222, Idaho Code, and deemed advisable by the city; to lease any portion of the excess or surplus capacity of any such works to any party located within or without the city, subject to the following conditions: that such capacity shall be returned or replaced by the lessee when and as needed by such city for the purposes set forth in section 50-1028, Idaho Code, as determined by the city; that the city shall not be made subject to any debt or liability thereby; and the city shall not pledge any of its faith or credit in aid to such lessee;

(b) To rehabilitate existing electric generating facilities;

(c) To exercise the right of eminent domain for any of the works, purposes or uses provided by this act, in like manner and to the same extent as provided in section 7-720, Idaho Code;

(d) To operate and maintain any works or rehabilitated existing electrical generating facilities within or without the boundaries of the city, or partially within or without the boundaries of the city, or within any part of the city;

(e) To issue its revenue bonds hereunder to finance, in whole or in part, the cost of the acquisition, construction, reconstruction, improvement, betterment or extension of any works, or to finance, in whole or in part, the cost of the rehabilitation of existing electrical generating facilities;

(f) To prescribe and collect rates, fees, tolls or charges, including the levy or assessment of such rates, fees, tolls or charges against governmental units, departments or agencies, including the state of Idaho and its subdivisions, for the services, facilities and commodities furnished by such works, or by such rehabilitated existing electrical generating facilities, and to provide methods of collections and penalties, including denial of service for nonpayment of such rates, fees, tolls or charges;

(g) To pledge an amount of revenue from such works or rehabilitated existing electrical generating facilities, including improvement, betterment or extensions thereto, thereafter constructed or acquired, sufficient to pay said bonds and interest as the same shall become due, and to create and maintain reasonable reserves therefor. Such amount may consist of all or any part or portion of such revenues. In determining such cost, there may be included all costs and estimated costs of the issuance of said bonds; all engineering, inspection, fiscal and legal expenses and interest which it is estimated will accrue during the construction period and

for six (6) months thereafter on money borrowed or which it is estimated will be borrowed pursuant to sections 50-1027 through 50-1042, Idaho Code, and the costs of any bond reserve funds or working capital deemed necessary in connection with the bond issue;

(h) In the procurement of off-street parking sites, facilities, equipment and appurtenances, any city shall have power, in addition to those heretofore conferred, to pledge the net revenues to be derived from on-street parking facilities not otherwise pledged, to be combined with the rates, fees, tolls and charges to be derived from the operation of off-street parking facilities, after the payment of all operative and maintenance costs, to the payment of revenue bonds and interest thereon issued under the authority of the revenue bond act;

(i) To issue bonds for the purpose of refunding any bonds theretofore issued under authority of the revenue bond act and to pay accrued interest and applicable redemption premiums on the bonds to be refunded, if the bonds to be refunded are due, callable or redeemable by their terms on or prior to the date that the refunding bonds are issued, or will become due, callable or redeemable by their terms within twelve (12) months thereafter, or if the bonds to be refunded, even though not becoming due, callable or redeemable within such period, are voluntarily surrendered by the holders thereof, for cancellation at the time of the issuance of the refunding bonds. All or part of any issue may be refunded and all or part of several issues may be refunded into a single issue of refunding bonds. There may be included with the refunding bonds, as part of a single issue, or in combination in one (1) or more series, bonds for any other purpose or purposes for which bonds are authorized to be issued under the revenue bond act. Refunding bonds shall be issued and secured in such manner as may be provided in the proceedings authorizing their issuance and as otherwise provided in the revenue bond act, and such changes may be made in the security and revenue pledged to the payment of the bonds so refunded, as provided by the governing body in the proceedings authorizing such bonds. No election on the issuance of refunding bonds shall be required, but if by an increase in the amount of bonds or by changes in the security or pledged revenues, the requirements of the constitution for an election shall become applicable, or if refunding bonds are combined into a single issue with bonds authorized for nonrefunding purposes, then such bonds with changes in security or revenues, or such bonds in excess of the amount of bonds refunded, as the case may be, must have been approved at an election as otherwise provided in the revenue bond act and the constitution. Refunding bonds may be exchanged for not less than a like principal amount of bonds authorized to be refunded, may be sold, or may be exchanged in part and sold in part. If sold, the proceeds of the sale, not required for the payment of expenses, and in any event, in an amount sufficient to assure the retirement of the bonds refundable, when such bonds become available for retirement, if not applied to a simultaneous payment and cancellation of the bonds refunded shall be escrowed with a bank or

trust company and may be invested in United States government obligations or in obligations unconditionally guaranteed by the United States of America in such manner as may be provided in the authorizing proceedings;

(j) To issue its revenue bonds for airport facilities and air navigation facilities to be held by the political subdivision of the state or regional airport authority as defined by law payable solely from fees, charges, rents, payments, grants or any other revenues derived from the airport or any of its facilities, structures, systems of projects, or from any land, facilities, buildings, projects or other property financed by such bonds; and to issue special facility bonds for airport facilities and air navigation facilities to be financed for, or to be leased, sold or otherwise disposed of to private persons, associations or corporations, to pledge to the payment of such bonds the fees, charges, rents, payments, grants, or any other revenues from the financed facilities and to secure such bonds by a deed of trust, mortgage or other lien on the financed property or by other security or credit enhancement; and neither airport revenue bonds nor special facility bonds shall be secured by the full faith and credit or the taxing power of the political subdivision of the state or regional airport authority as defined by law.

50-1035. ORDINANCE PRIOR TO CONSTRUCTION -- ELECTION.

Before any city shall construct or acquire any works or rehabilitated existing electrical generating facilities under this chapter, the council of such city shall enact an ordinance or ordinances which shall, (a) set forth a brief and general description of the works or rehabilitated existing electrical generating facilities, and if the same are to be constructed, a reference to the preliminary report or plans and specifications which shall theretofore have been prepared and filed by an engineer chosen for that purpose; (b) set forth the cost thereof estimated by the engineer chosen as aforesaid; (c) order the construction or acquisition of such works or the rehabilitation of such existing electrical generating facilities; (d) direct that revenue bonds of the city shall be issued pursuant to this chapter in such amount as may be necessary to pay the cost of the works or rehabilitated existing electrical generating facilities; and (e) contain such other provisions as may be necessary in the proposal.

Such ordinance shall be passed, approved and published as provided by law for the enactment of general ordinances, but such city shall not incur or authorize in any year any indebtedness or liability under said ordinance exceeding in that year, the income and revenue provided for it for such year, without the assent of two-thirds (2/3) of the qualified electors of such city voting at an election held for the purpose of authorizing or refusing to authorize the indebtedness or liability provided for in said ordinance; provided, that any city may, with the assent of a majority of the qualified electors voting at an election to be held for such purpose, issue revenue bonds for the

purpose of providing funds to own, purchase, construct, extend or equip, within and without the corporate limits of such city, water systems, sewerage systems, water treatment plants, sewerage treatment plants, electric systems, or to rehabilitate existing electrical generating facilities, the principal and interest of which to be paid solely from the revenue derived from rates and charges for the use of, and the service rendered by such systems, plants and facilities. In accordance with section 3E, article VIII of the constitution of the state of Idaho, any political subdivision of the state or regional airport authority as defined by law, operating an airport may issue revenue bonds payable solely from fees, charges, rents, payments, grants or any other revenues derived from or relating to airport facilities and air navigation facilities to finance the costs of acquiring, constructing, installing and equipping airport facilities and air navigation facilities and such bonds shall not be secured by the full faith and credit or the taxing power of the political subdivision of the state or regional airport authority as defined by law.

Said ordinances shall provide for the holding of said election in accordance with the dates authorized in section 50-405, Idaho Code, by the county clerk in accordance with the provisions of title 34, Idaho Code. The notice of election shall set forth the purpose of said ordinance, the amount of bonds authorized by it, the maximum number of years from their respective dates for which such bonds may run, the voting places, the hours between which the polls will be open and the qualifications of voters who may vote thereat. In all other respects such election shall be conducted as are other city elections. The voting at such elections must be by ballot, and the ballots used shall be substantially as follows:

"In favor of issuing revenue bonds for the purposes provided by Ordinance No."

"Against the issuance of revenue bonds for the purposes provided by Ordinance No."

If, at such election, the required vote is in favor of issuing such revenue bonds, then such city may issue such bonds and create such indebtedness or liability in the manner and for the purpose specified in said ordinance.

Recount of Ballots: Idaho Code Title 34, Chapter 23

34-2301. APPLICATION FOR RECOUNT OF BALLOTS.

(1) Any candidate for federal, state, county or municipal office desiring a recount of the ballots cast in any nominating or general election or person supporting or opposing a state, county or city measure, may apply to the attorney general therefor, within twenty (20) days of the canvass of such election, by the state board of canvassers if for federal and state office, or within twenty (20) days of the canvass of such election by the county commissioners if for a county or municipal office.

(2) Candidates for all other offices and supporters and opponents to all other ballot measures desiring a recount may apply to the county clerk within twenty (20) days of the canvass of said election by the board of county commissioners.

34-2302. PRECINCTS SPECIFIED FOR RECOUNT -- REMITTANCE.

In his application he shall state the precinct or precincts in which he desires recount to be made and shall remit to the attorney general or county clerk, pursuant to section 34-2301, Idaho Code, together with his application the sum of one hundred dollars (\$100) for each such precinct in which he desires a recount made.

34-2303. BALLOTS ORDERED IMPOUNDED BY ATTORNEY GENERAL.

Upon receiving the application for recount together with the remittance required by section 34-2302, Idaho Code, the attorney general or county clerk, pursuant to section 34-2301, Idaho Code, shall cause all ballot boxes used in such election in the precinct or precincts in which recount is to be made to be immediately impounded and taken into custody by the sheriff of the county or counties in which precinct or precincts are located. In the event that the recount is of the results of a primary election the ballot boxes used to hold the blank half of the ballot shall also be impounded.

34-2304. ORDER FOR RECOUNT -- PROCEDURE -- NOTICE.

The attorney general or county clerk shall then issue an order for recount. The order shall name the prior election judges and clerks of the precinct to act in the same capacity and receive the same compensation as they did on election day. The order shall provide for the place where the recount is to be made; that all candidates named on the ballot for the office contested, or a representative of either or all of them, may be present to watch the counting; and that every other person interested may be present. The order shall state the date

on which the recount is to be made which shall not be more than ten (10) days from the date of the order. Copies of the order shall be mailed to each candidate named on the ballot for the office to be recounted.

34-2305. MANNER OF RECOUNTING.

At the time and place fixed for recounting the ballots cast in any precinct all ballots shall be recounted in plain view of the candidates or their representatives. The recount shall commence at the time and place so ordered, and shall continue until the recount is finished and the results tabulated. The attorney general shall be the final authority concerning any question which arises during the recount for federal, state, county or municipal elections. The county prosecuting attorney shall be the final authority concerning any question that arises during the recount of other elections.

34-2306. DIFFERENCE REVEALED BY RECOUNT -- CANDIDATE RELIEVED OF COSTS.

If the results of the recount indicate a difference, which if projected across all the precincts of the office in question would change the result of the election in favor of the candidate requesting the recount or change in the measure being recounted, then the cost of such recount shall be borne by the county or state and the sums of money theretofore paid for the recount shall be returned to the candidate or person who requested the recount of a ballot measure.

In order to be relieved of the costs of the recount, the candidate or person must request that at least twenty (20) precincts containing not less than five thousand (5,000) votes cast be recounted if for a federal or state office or measure, or five (5) precincts containing not less than one thousand two hundred fifty (1,250) votes cast be recounted for a state legislative district office, or at least two (2) precincts having not less than five hundred (500) votes cast be recounted for a county office or measure, or two (2) precincts having not less than two hundred (200) votes cast to be recounted in city or district elections.

34-2307. WHEN GENERAL RECOUNT ORDERED.

If the candidate or person who requested the recount is relieved of the costs of the recount as described in section 34-2306, Idaho Code, the attorney general, or the county prosecuting attorney for district offices, shall require a recount to be made in all the remaining precincts of the office in question. The state shall pay for a general recount of a federal, state, or legislative district office, while the county shall pay for a general recount of a county, city or district office.

34-2308. CANDIDATE DISAGREEING WITH RECOUNT RESULTS -- APPEAL.

(1) Any candidate or person may appeal the results of a recount or the determination that a recount is not necessary when:

(a) Any candidate for the office or the person on either side of a measure for which a recount has been requested disagrees with the results of the recount and alleges that the law has been misinterpreted or misapplied;

(b) It appears that a different application or interpretation of the law would have required a general recount where no general recount was ordered; or

(c) It appears that a different application or interpretation of the law would not have required a general recount where a general recount was ordered;

then the candidate claiming the misinterpretation or the misapplication of law may appeal to the district court in the county concerned if the office is a county, municipal or district office or to the district court in Ada county if the office is a federal or state office.

(2) The submittal on appeal shall be by brief and submitted within twenty-four (24) hours following the recount. The appeal submittal shall be served upon the attorney general of Idaho or the county prosecuting attorney within twenty-four (24) hours of filing it within the district court. The appeal submittal shall also be served upon the opposing candidate(s) or representatives of the pro and con sides of the ballot measure within twenty-four (24) hours of filing the appeal in the district court.

(3) The attorney general, in consultation with the secretary of state, may respond to the submittal by brief or the prosecuting attorney, in consultation with the county clerk, may respond for district elections.

(4) The opposing candidate(s) or parties, regarding a measure, may respond to the submittal by brief.

(5) At the discretion of the district court judge, a hearing may be ordered within five (5) days of the filing of the appeal. All parties required to be served with the appeal may participate fully in the hearing. The judge may determine that the appeal may be decided on the brief without a hearing.

(6) A decision thereon shall be given within five (5) days. Any appeal from the decision of the district court must be taken within twenty-four (24) hours after a decision is rendered. A decision on the appeal shall be given within five (5) days. No further appeal shall be allowed.

34-2309. FREE RECOUNT.

A losing candidate for nomination, or election or person supporting or opposing a ballot measure, may request a recount of the votes cast for the nomination or election to that office or passage or failure of a measure if the difference between the vote cast for that candidate and for the winning candidate for nomination or election, or the difference between the yes and no votes on a measure, is less than or equal to one-tenth of one percent (0.1%) of the total votes cast for that office or five (5) votes, whichever is greater. All requests shall be in writing, and filed with the appropriate officer during the time mentioned in section 34-2301, Idaho Code.

The state shall pay for the recount of a federal, state, or legislative district office, or state measure while the county shall pay for the recount of a county, city or district office or measure.

34-2310. "COSTS" DEFINED.

As used in this chapter, costs of recount shall include the following:

- (1) Travel costs of the office of the attorney general including meals and lodging.
- (2) Normal hourly rate for election judges and clerks who are not employees of the county.
- (3) Mileage for election judges who are not employees of the county.
- (4) Any other costs directly attributable to the recount.

34-2311 & 34-2312. REPEALED.

34-2313. RECOUNT PROCEDURES FOR AUTOMATED TABULATION SYSTEMS.

(1) To ensure the accuracy of automated vote tabulation systems, the county clerk shall follow the recount procedures provided in this section.

(2) The votes from a random selection of ballots shall be tallied by hand and the votes from the same ballots shall be tabulated by an electronic ballot tabulating system. For statewide and federal office or a statewide measure, the number of ballots to be tallied and tabulated shall be equal to at least two (2) precincts of the ballots cast in each county. For all other offices or measures, the number of ballots to be tallied and tabulated shall be equal to the greater of one hundred (100) or five percent (5%) of the ballots cast for the office or measure, distributed by county where applicable.

(3) For a statewide or federal office or a statewide measure, if the results of the hand-tally and the automated vote tally system tabulation within the county differ by one-fourth of one percent (.25%) or less, the remaining ballots shall be recounted using automated vote tabulating systems. Otherwise, the remaining ballots shall be recounted by hand.

(4) For other offices and ballot measures, if the results of the hand-tally and electronic vote tabulating system tabulation differ by less than one percent (1%), or two (2) votes, whichever is greater, the remaining ballots shall be recounted using automated vote tabulating systems. Otherwise, the remaining ballots shall be recounted by hand.

Electioneering at the Polls

18-2318. ELECTIONEERING AT POLLS.

(1) On the day of any primary, general or special election, no person may, within a polling place, or any building in which an election is being held, or within one hundred (100) feet thereof:

- (a) Do any electioneering;
- (b) Circulate cards or handbills of any kind;
- (c) Solicit signatures to any kind of petition; or
- (d) Engage in any practice which interferes with the freedom of voters to exercise their franchise or disrupts the administration of the polling place.

(2) No person may obstruct the doors or entries to a building in which a polling place is located or prevent free access to and from any polling place.

(3) Any election officer, sheriff, constable or other peace officer is hereby authorized, and it is hereby made the duty of such officer, to arrest any person violating the provisions of subsections (1) and (2) of this section, and such offender shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor exceeding one thousand dollars (\$1,000).

Political Signs

18-7029. PLACING POSTERS OR PROMOTIONAL MATERIAL ON PUBLIC OR PRIVATE PROPERTY WITHOUT PERMISSION.

It shall be unlawful for any person to erect, install, attach or paint, or cause to be erected, installed, attached or painted, election posters or signs upon public or private property, real or personal, in the state of Idaho, without permission from the owner or occupant of such property, and it shall be unlawful for any person to place or leave any literature or other political, promotional or sales materials upon public or private property, real or personal, in the state of Idaho when the owner or occupant of such property, by a sign conspicuously posted on the property, or by other written or audio communication to such person, has forbidden the placing or leaving of literature or other political, promotional or sales material upon that property. Provided, however, that the granting of such permission by any public utility company on behalf of any candidate for public office shall constitute the granting of like permission by such public utility company to all other candidates for the same public office. Any violation of this section shall be a misdemeanor.

Sale of Package Liquor and Liquor by the Drink on Election Day

23-307. DAYS WHEN SALES [AT LIQUOR STORES] ARE PROHIBITED.

It shall be unlawful to transact the sale or delivery of any alcoholic liquor in, on, or from the premises of any state liquor store or distributing station:

- (a) After the closing hours as established by the division.
- (b) On any Thanksgiving, Christmas or Memorial Day.
- (c) On any Sunday, except as provided by county option pursuant to section 23-308, Idaho Code.
- (d) During such other periods or days as may be designated by the division.

State liquor stores and contract liquor stores may be open and sell package liquor during city elections.

23-927. HOURS OF SALE OF LIQUOR [BY THE DRINK, EXCERPT].

(1) No liquor shall be sold, offered for sale, or given away upon any licensed premises, and all liquor not in sealed bottles must be locked in a separate room or cabinet during the following hours:

- a. Sunday, Memorial Day, Thanksgiving and Christmas from 1 o'clock A.M., to 10 o'clock A.M. the following day; provided however, that on any Sunday not otherwise being a prescribed holiday, it shall be lawful for a licensee having banquet area or meeting room facilities, separate and apart from the usual dispensing area (bar room) and separate and apart from a normal public dining room unless such dining room is closed to the public, to therein dispense liquor between the hours of 2 o'clock P.M. and 11 o'clock P.M. to bona fide participants of banquets, receptions or conventions for consumption only within the confines of such banquet area or meeting room facility.
- b. On any other day between 1 o'clock A.M. and 10 o'clock A.M.
- c. When any city or county has any ordinance further limiting the hours of sale of liquor, by the drink, then such hours shall be fixed by such ordinance.

(2) A county or city may, however, by ordinance, allow the sale of liquor by the drink on a Sunday, Memorial Day and Thanksgiving, and may also extend until 2 o'clock A.M. the hours of the sale of liquor by the drink...

Bars may sell liquor by the drink during city elections unless the city has an ordinance prohibiting sale of liquor by the drink during city elections.

Liquor by the Drink Elections

23-916. COUNTY AND CITY LICENSES.

In addition to the licensing and control herein provided for the retail sale of liquor by the drink, each county and incorporated city in the state of Idaho is hereby authorized and empowered to license the sale of liquor by the drink at retail within the corporate limits of such city. The respective local authorities may impose and collect license fees for the use and benefit of such city not to exceed seventy-five percent (75%) of the amount of the license fee collected by the director as herein provided and for the use and benefit of such county not to exceed twenty-five percent (25%) of the amount of the license fee collected by the director as herein provided. The governing authority of such city may provide further regulations for the control of such business, and the board of county commissioners of any county may fix the fee for, and may regulate and control the use of, any license issued for the sale of liquor by the drink at retail in any licensed premises not situate within the incorporated limits of any city, not in conflict with the provisions of this act.

23-917. REFERENDUM -- LOCAL OPTION.

No license shall be issued hereunder until on or after July 1, 1947. Within sixty (60) days after the effective date of this chapter a petition in writing signed by not less than twenty percent (20%) of the registered, qualified electors of any city may be filed with the clerk of said city as their protest against the issuance of any license in said city under the provisions of this chapter. In the event said petition is presented, the governing body of any such city shall, within five (5) days after the presentation of said petition, meet and determine the sufficiency thereof by ascertaining whether said petition is signed by the required number of registered, qualified electors of the city affected. In the event the governing body of said city determines that said petition is signed by the required percentage of registered, qualified electors, said city governing body shall forthwith make an order calling an election to be held within said city, subject to the provisions of section 34-106, Idaho Code, in accordance with the provisions of title 34, Idaho Code, which shall apply to the holding of the election provided for in this section, except where specifically modified herein. In addition to the other requirements of law, the notice of election shall notify the electors of the issue to be voted upon at said election.

23-918. FORM OF BALLOT.

The county clerk must furnish the ballots to be used in such election, which ballots must contain the following words:

"Sale of liquor by the drink, Yes,"

"Sale of liquor by the drink, No,"

and the elector in order to vote must indicate the elector's choice opposite one (1) of the questions in a space provided therefor.

23-919. EFFECT OF ELECTION -- LIQUOR STORE SALES NOT AFFECTED.

Upon a canvass of the votes cast, the county board of canvassers shall certify the result to the city who shall report the results to the director. If a majority of the votes cast are "Sale of liquor by the drink, Yes," licenses shall be issued in said city as in this chapter provided. If a majority of the votes cast are "Sale of liquor by the drink, No," then no licenses shall be issued in said city unless thereafter authorized by a subsequent election in said city; provided, however, that nothing herein contained shall be construed to prevent or prohibit the sale of liquor at or by a state liquor store or state distributor.

23-920. SUBSEQUENT ELECTIONS.

A similar election may be subsequently called and held upon the issue of whether the sale of liquor by the drink shall be prohibited or, if prohibited, then an election to determine whether the sale of liquor by the drink shall be licensed. Such subsequent election shall be held upon the filing of a petition, as provided in section 23-917, signed by the requisite percentage of qualified electors. No such subsequent election shall be held prior to November 1, 1949, or oftener than two (2) years after the holding of any such subsequent election.

Public Integrity in Elections Act

74-601. SHORT TITLE.

This act shall be known and may be cited as the "Public Integrity in Elections Act."

74-602. LEGISLATIVE INTENT.

The legislature finds that it is against the public policy of the state of Idaho for public funds, resources or property to be used to advocate for or against a candidate or ballot measure.

74-603. DEFINITIONS.

As used in this chapter:

- (1) (a) "Advocate" means to campaign for or against a candidate or the outcome of a ballot measure.

(b) "Advocate" does not mean providing factual information about a ballot measure and the public entity's reason for the ballot measure stated in a factually neutral manner. Factual information includes, but is not limited to, the cost of indebtedness, intended purpose, condition of property to be addressed, date and location of election, qualifications of candidates or other applicable information necessary to provide transparency to electors.
- (2) "Ballot measure" means constitutional amendments, bond measures or levy measures.
- (3) "Candidate" means and includes every person for whom it is contemplated or desired that votes be cast at any political convention, primary, general, local or special election and who either tacitly or expressly consents to be so considered.
- (4) "Expenditure" means:
 - (a) A purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value; or
 - (b) A legally enforceable contract, promise or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value.
- (5) "Property or resources" means goods, services, equipment, computer software and hardware, other items of intangible property, or facilities provided to or for the benefit of a candidate, a candidate's personal campaign committee, a political issues committee for political purposes, or advocacy for or against a ballot measure or candidate. Public property or resources that are available to the

general public are exempt from this exclusion.

(6) "Public entity" means the state, each state agency, county, municipality, school district or other taxing district or public corporation empowered to submit ballot measures to its electors.

(7) "Public funds" means any money received by a public entity from appropriations, taxes, fees, interest or other returns on investment.

(8) "Public official" means an elected or appointed member of a public entity who has:

(a) Authority to make or determine public policy;

(b) Supervisory authority over the personnel and affairs of a public entity; or

(c) Authority to approve the expenditure of funds for the public entity.

(9) "State agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority or other administrative unit of the state.

74-604. PUBLIC FUNDS PROHIBITED.

(1) Unless specifically required by law, and except as provided in this chapter, neither a public entity nor its employees shall make, nor shall a public official make or authorize, an expenditure from public funds to advocate for or against a candidate or a ballot measure.

(2) Neither a public entity nor any of its employees shall use, nor shall a public official authorize or use, public property or resources to advocate for or against a candidate or a ballot measure.

74-605. EXCLUSIONS.

Nothing in this chapter shall prohibit:

(1) A public official or employee from speaking, campaigning, contributing personal money or otherwise exercising the public official's or employee's individual first amendment rights for political purposes, provided no public funds are used for expenditures supporting the public official or employee in such activity;

(2) A public entity, public official or employee from the neutral encouragement of voters to vote;

(3) An elected official or employee from personally campaigning or advocating for or against a ballot measure, provided no public funds, property or resources are used for supporting the elected official or employee in such activity;

(4) A public entity from preparing and distributing to electors an objective statement explaining the purpose and effect of the ballot measure, including in the case of bond or levy elections the cost per taxpayer or taxable value, or similar information based on reasonable estimates prepared in good faith;

(5) The formulation and publication of statements regarding proposed amendments to the state constitution, as authorized by section 67-453, Idaho Code;

(6) The publication of information described in sections 34-439, 34-439A and 34-1406, Idaho Code, as applicable, or other provisions of law requiring notices and disclosures in connection with elections and ballot measures; or

(7) A balanced student classroom discussion or debate of current or pending election issues.

74-606. VIOLATIONS — REMEDIES.

(1) Any public official or employee who conducts or participates in an activity that violates the provisions of this chapter shall be subject to a civil penalty not to exceed two hundred fifty dollars (\$250).

(2) Any public official or employee who knowingly violates the provisions of this chapter shall be subject to a civil penalty not to exceed one thousand five hundred dollars (\$1,500).

(3) Any public official or employee who knowingly violates any provision of this chapter and who has previously admitted to committing or has been previously determined to have committed a violation pursuant to subsection (2) of this section within the twelve (12) months preceding this subsequent violation shall be subject to a civil penalty not to exceed two thousand five hundred dollars (\$2,500).

(4) The attorney general shall have the duty to enforce this chapter in relation to public agencies of state government, and the prosecuting attorneys of the various counties shall have the duty to enforce this chapter in relation to local public agencies within their respective jurisdictions. In the event that there is reason to believe that a violation of the provisions of this act has been committed by members of a board of county commissioners or, for any other reason a county prosecuting attorney is deemed disqualified from proceeding to enforce this chapter, the prosecuting attorney or board of county commissioners shall seek to have a special prosecutor appointed for that purpose, as provided in section 31-2603, Idaho Code.

Frequently Asked Questions

1. Are term limits in effect for the 2019 general city elections?

No. Idaho's term limits statute was repealed by the 2002 Idaho Legislature. There are no restrictions on the number of terms city mayors and councilmembers may serve.

2. Who keeps the election ballots and documents: the city or the county? How long must these records be retained?

Responsibility for retention of election records is split between cities and counties.

Since the city clerk is responsible for receiving filing forms from candidates, the Declaration of Candidacy, Petition of Candidacy and Declaration of Intent will be retained by the city and pursuant to the provisions of Idaho Code 50-907(1)(g) these are classified as permanent records. Likewise, since the city clerk is responsible for overseeing campaign finance reporting in cities over 5,000 population, these reports will also be retained by the city and pursuant to Idaho Code 50-907(1)(g) these are classified as permanent records. Permanent records must either be retained by the city in perpetuity or be transferred to the State Archives upon resolution of the city council.

Any records prepared by the county during the election will be retained by the county after the election and are subject to the retention periods set forth in Idaho Code 34-217. Some of these records include: poll books, tally books, voted ballots, unvoted ballots, notices of election, maps of precinct boundaries, lists of absentee voters, completed absentee request forms, and absentee ballot affidavit envelopes.

3. If a person gets married and moves outside of city limits, but still has rental property in the city, can that person vote in city elections?

No. If a qualified elector moves outside the city with the intention of making the new residence their permanent home, then they are no longer a city resident and cannot vote in city elections—Idaho Code 50-402(d)(4).

4. Does a person have to be a United States citizen to vote in city elections?

Yes. Every elector who registers is required to swear under oath or affirmation that he/she is a citizen of the United States—Idaho Code 34-411(1)(d).

5. Does a convicted felon have the right to vote?

In the case of felons, if the person has completed the terms of sentence including probation or parole, he/she may register and vote—Idaho Code 18-310.

6. A candidate wrote her name as Mildred C. Fisher on the Declaration of Candidacy, but is known as Catherine Fisher. How will her name appear on the ballot?

The name on the ballot must appear exactly as the name is written on the candidate's Declaration of Candidacy. The city clerk should advise candidates that how their name is written on the declaration is how their name will appear on the ballot.

7. Can a candidate sign his or her own Petition of Candidacy?

Yes. There is nothing in the law that prohibits a candidate from signing their own Petition of Candidacy.

8. May a registered city voter sign petitions for two candidates running for mayor?

Yes. The law no longer requires a person to sign only one candidate's petition for each office up for election. Now, a registered city voter is free to sign as many petitions as they want.

9. How does a candidate get their name on the ballot?

To get their name on the ballot, a candidate must submit a Declaration of Candidacy (see Appendix D for a model form) specifying the office for which they are running and affirming they meet the following legal qualifications to run as of the date their Declaration of Candidacy is submitted to the city clerk:

- At least 18 years of age,
- A U.S. citizen,
- The candidate's primary residence must be within the city,
- The address of the candidate's voter registration must match the residence address provided on the candidate's declaration, and
- The candidate must have resided in the city for at least 30 days prior to submitting their declaration.

The Declaration of Candidacy must be accompanied by **one** of the following:

- A Petition of Candidacy (see Appendix E for a model form) signed by at least five qualified city electors. The petition must have an attached certification from the county clerk indicating the number of signatures that are of qualified city electors,

OR

- A nonrefundable filing fee of \$40—Idaho Code 50-406.

10. Must the city clerk notarize a candidate’s declaration and/or petition, or can the candidate have it notarized elsewhere?

Any notary duly authorized by the State of Idaho can notarize a candidate’s declaration and petition.

11. Are people required to show photo identification to vote?

To vote a person must either present photo identification or sign a Personal Identification Affidavit. Acceptable forms of photo identification include:

- An Idaho driver’s license or identification card issued by the Idaho Transportation Department,
- A U.S. passport or photo identification card issued by an agency of the federal government,
- A tribal photo identification card,
- A current student photo identification card, issued by an Idaho high school or college, and
- A license to carry concealed weapons or an enhanced concealed weapons license.

If a voter is not able to show photo identification, they may vote after signing a Personal Identification Affidavit verifying their name and address—Idaho Code 34-1113 & 34-1114.

12. Can candidates campaign on Election Day?

Candidates can campaign on Election Day—however, candidates should be aware that campaigning within or near a polling place on Election Day (known as “electioneering”) is a criminal offense. On Election Day, campaigning or distributing candidate materials within the polling place or in any building in which an election is being held are prohibited. Campaigning or distributing candidate materials are also prohibited within 100 feet of a polling place, whether on public or private property—Idaho Code 18-2318. *It is also important to remember that the prohibition on electioneering applies while voting is occurring at the in-person absentee polling place or early voting facility.*

13. What is required to change the compensation for elected officials?

Ordinances changing the compensation for elected officials must be passed by the council ***and published*** at least 75 days prior to any general city election (Thursday, August 22, 2019). The salary change takes effect January 1 following the election—Idaho Code 50-203.

14. Which council positions will be up for election to two-year terms?

Idaho Code 50-704 provides that councilmember vacancies “shall be filled by appointment made by the mayor with the consent of the council, which appointee shall serve only until the next general city election [held in November of each odd-numbered year], at which such vacancy shall be filled for the balance of the original term.”

An appointed councilmember serves until the next general city election in November of an odd-numbered year, at which point:

- If the normal four-year term of office concludes at the end of December of that year, the position is up for election to a four-year term.
- If the normal four-year term of office has two years remaining at the end of December of that year, the position is up for election to the remaining two years of the term. At the end of the two-year term, the position is up for election to a four-year term.

Two-year terms ensure that the city stays on cycle with half of the council positions up for election to four-year terms at the general city election in November of each odd-numbered year—Idaho Code 50-701.

In the November 5, 2019 general city election the only council positions up for election to two-year terms are those filled by appointment in 2018 or 2019, which have a four-year term of office expiring December 31, 2021.

For example, John Smith was appointed on May 5, 2019 to fill a vacant position on the city council that has a term of office expiring December 31, 2021. This position will be up for election on November 5, 2019 for a two-year term. Mr. Smith may choose to run for the two-year term, or may choose to run for another office, including a four-year council position or mayor. Regardless of who is elected, the position will be up for election again in November 2021 for a four-year term.

If Mr. Smith were appointed on May 5, 2019 to fill a vacancy on the city council with a term of office expiring December 31, 2019, the position would be up for election at the November 5, 2019 general city election for a four-year term.

15. Our mayor was appointed since the last election. Is the office up for election this year, and if so, is it for a two or four-year term?

Idaho Code 50-608 provides that “When a vacancy occurs in the office of mayor by reason of death, resignation or permanent disability, the city council shall fill the vacancy from within or without the council as may be deemed in the best interests of the city, which appointee shall serve until the next general city election, at which election a mayor shall be elected for the full four (4) year term.”

If a person was appointed mayor in 2018 or 2019, the office is up for election at the 2019 general city elections for a four-year term of office.

16. Can an application for absentee ballot be faxed or emailed?

Yes. The blank application for absentee ballot may be faxed or emailed from the city clerk or county clerk to the voter, and the completed, signed application may be faxed, or scanned and emailed from the voter to the county clerk—Idaho Code 34-1002(7).

17. Our city does not have enough candidates for the council positions up for election. What should we do?

If there are not enough nominated and declared write-in candidates for the council positions up for election, then the vacancies are filled by mayoral appointment and confirmation by a majority of the council. This can be done at the first council meeting in January, assuming there are enough councilmembers to constitute a quorum (a majority of the full council). If not, then the Governor will appoint as many councilmembers as required to constitute a quorum (Idaho Code 59-912) and the remaining vacancies are filled by the normal process of appointment and confirmation.

18. If a candidate misses the deadline for filing a Declaration of Candidacy, can he/she run as a write-in candidate?

Yes. The candidate must file a Declaration of Intent with the city clerk at least 28 days before the election—Idaho Code 50-410 & 34-702A.

19. Can a bar sell liquor by the drink on Election Day? Can liquor stores be open on Election Day?

Bars can sell liquor by the drink during city elections *unless the city has an ordinance prohibiting the sale of liquor by the drink during city elections*—Idaho Code 23-927.

State liquor stores and contract liquor stores are allowed to be open and sell package liquor on Election Day—Idaho Code 23-307.

20. Who canvasses the votes from a city election: the city council or the county commissioners?

The county commissioners will canvass the results of *all* city elections within 10 days after the election—Idaho Code 50-412. The only action required by the city after the election is a council motion to formally accept the canvassed election results, and the canvassed election results are then included in the meeting minutes (with the results by precinct, if the city has multiple precincts).

21. If there is only one candidate on the ballot for an office up for election and no declared write-in candidates, must an election still be held?

Yes. Some other jurisdictions operate under provisions of law that allow them to cancel elections under such circumstances. However, Idaho law does not have a similar provision for cities.

22. Are residents of the area of city impact allowed to vote in city elections?

No. To be a qualified elector and vote in a city election, the person's primary residence must be in the city—Idaho Code 50-402(c).

23. Are candidates required to specify the office for which they are running on their Declaration and Petition of Candidacy?

Yes. Candidates must specify whether they are running for mayor or council on both their Declaration and Petition of Candidacy. If the candidate is running for council in a city that does not have designated council seats, they must also specify on the Declaration of Candidacy whether they are running for a two or four-year council position. If the candidate is running for council in a city that has designated council seats, they must declare the specific seat and term for which they are running on their Declaration of Candidacy—Idaho Code 50-407.

24. May voters register at the absentee polling place or early voting facility?

Yes. Persons may register to vote at the absentee polling place or early voting facility—Idaho Code 34-408A & 34-1012(3).

25. Is the city clerk required to check the signatures on a Petition of Candidacy against the signatures on the voter registration cards?

No. Petition signatures must be verified by the county clerk before the petition is submitted to the city clerk. The county clerk will attach a certificate to the petition indicating the number of signatures that are of qualified city electors—Idaho Code 50-410.

26. What happens in the case of a tie vote?

The city clerk gives notice to the candidates, who must appear before the council at a meeting within six days after the notice is provided. The tie is resolved by the city clerk flipping a coin—Idaho Code 50-413.

27. How many dates are there for local elections each year? When can city bond, levy, initiative, referendum and advisory question elections be held? Are there any additional dates for recall elections?

Under the election consolidation law there are two election dates per year:

- The third Tuesday in May, and
- The Tuesday following the first Monday in November.

Schools have two extra dates for bond and levy elections in any year: the second Tuesday in March and the last Tuesday in August.

City elections on bonds, levies, and advisory questions may be held on the May or November dates *in any year*.

City elections on initiative and referendum must be held on the Tuesday following the first Monday in November in odd-numbered years.

The law provides two dates in addition to the May and November dates for recall elections: the second Tuesday in March and the last Tuesday in August—Idaho Code 34-106.

28. Is the city clerk responsible for publishing any legal notices associated with city elections?

The only legal notice the city clerk is required to publish is the notice to potential candidates (see Appendix B for a model form), which must be published once as a legal notice in the official city newspaper between Friday, August 23 and Friday, August 30, 2019. The notice must include: the name of the city, the date of the election, the offices up for election, that filing forms are available from the city clerk, and the filing deadline—Idaho Code 50-411. The notice of election and sample ballot are published by the county clerk.

29. What is the period for candidate filing?

For the 2019 general city election, candidates are required to submit their Declarations of Candidacy (with the requisite fee/petition) between Monday, August 26 at 8:00 a.m. and Friday, September 6 at 5:00 p.m.—Idaho Code 50-410.

30. What do I do with the Declarations of Candidacy and Declarations of Intent after they are filed by the candidates?

It is imperative to get these documents to the county clerk's office as soon as possible by fax or email. The city clerk should contact the county election staff in advance and ask for the preferred method of transmitting these documents. The city clerk should also call and confirm that the documents were received.

31. Is there a deadline for candidates to withdraw from the election?

Nominated candidates (those who would be listed on the ballot) have until Friday, September 20 to withdraw from the election by filing a notarized statement of withdrawal with the city clerk (see Appendix G for a model form)—Idaho Code 34-1405A.

Declared write-in candidates may withdraw at any time up to the election by filing a notarized statement of withdrawal with the city clerk (see Appendix G for a model form).

32. What is the process for installing officials elected at the 2019 general city election?

Mayors and councilmembers elected at the 2019 general city election are installed at the first council meeting in January 2020. After the election, AIC will send each city a packet of materials including instructions for installing elected officials.

The following procedure for installing elected officials at the first meeting in January is taken from Idaho Code 50-702, 50-601, and 50-415. The authority to administer oaths is found in Idaho Code 50-607 and 50-207.

1. Incumbents Convene Meeting, Approve Minutes & Approve Payment of Bills.

The incumbent mayor and councilmembers convene the meeting, approve the minutes from any previous meetings and approve payment of the bills.

2. Swearing-In.

Each recently elected official stands, raises his/her right hand, listens as the oath of office is read by the city clerk, and at the end of the oath responds “I do” or “I will.” The elected official may choose to recite the oath as it is read. Each recently elected official must sign the oath of office, which is countersigned by the city clerk and kept by the city as an official record. The oath of office form is included in Appendix H.

Typically, the oath of office is administered by the city clerk. The mayor may administer the oath of office to councilmembers—however, a newly elected mayor does not have authority to administer oaths until after he/she has taken the oath from the clerk.

3. Presentation of Certificates of Election.

The sworn-in officials each receive a Certificate of Election signed by the mayor and countersigned by the city clerk. The mayor in office at the time of the election signs the certificates, including his/her own. A model Certificate of Election is included in Appendix I.

4. Council Selects its President.

The sworn-in officials take their seats and the council proceeds to elect one of its members to serve as council president. The council may then proceed with other necessary business.

5. Filling Vacancies.

If any mayoral or council vacancies exist, these may be filled by the normal process of appointment.

A mayoral vacancy is filled by motion of the council, approved by a majority of councilmembers present and voting. The appointee serves until the next general city election—November 2021—at which point the office is up for election to a four-year term.

For council vacancies, the position is filled by mayoral appointment and must be confirmed by a majority of councilmembers present and voting. The person serves until the next general city election—November 2021—at which point the office is up for election as follows:

If the normal four-year term of office expires at the end of 2021, the position is up for election to a four-year term at the November 2021 general city election;

OR

If the normal four-year term of office expires at the end of 2023, the position is up for election for the remaining two years of the term at the November 2021 general city election. The position is then up for election to a four-year term in 2023.

Persons appointed to fill vacancies are sworn-in by the city clerk, sign the oath of office and each receive a Certificate of Appointment (see Appendix J for a model).

33. What should we do if a person is unable to attend the first council meeting in January to be installed?

The person can be installed at the following council meeting.

Appendix A: 2019 General City Election Calendar

PLEASE NOTE: *The dates shown are statutory deadlines for election actions. When possible, city officials are strongly encouraged to complete each step in the election process as early as practicable.*

Date	Event/Action	Idaho Code
Thursday, August 22, 2019	For cities choosing to change Mayor & Council salaries: deadline for publishing an ordinance passed by the Council to change elected official salaries effective January 1, 2020.	50-203
Friday, August 23, 2019	First day for city clerk to publish the notice of candidate filing deadline, which must include: the name of the city, the date of the election, the offices up for election, that declarations of candidacy are available from the city clerk, and the filing deadline. The notice must be published <u>once</u> as a legal notice in the official city newspaper between August 23 and August 30, 2019.	50-411
Monday, August 26, 2019	Candidate filing period opens at 8:00 a.m.	50-410
Friday, August 30, 2019	Last day for city clerk to publish the notice of candidate filing deadline, which must include: the name of the city, the date of the election, the offices up for election, that declarations of candidacy are available from the city clerk, and the filing deadline. The notice must be published <u>once</u> as a legal notice in the official city newspaper between August 23 and August 30, 2019.	50-411
Friday, September 6, 2019	Candidate filing period closes at 5:00 p.m. City clerks need to keep their office open until 5:00 p.m.	50-410
Friday, September 13, 2019	Last day for city clerk to notify county clerk of candidate names and any ballot questions for the November 5, 2019 election.	34-1404
Monday, September 16, 2019	Last day for city clerk to certify the wording to the county clerk for a bond, levy, initiative, referendum, recall or any other ballot question ordered for the November 5, 2019 election.	34-106
Friday, Sept. 20, 2019	Deadline for candidates to withdraw their candidacy by filing a notarized statement of withdrawal with the city clerk.	34-1405A
Tuesday, October 8, 2019	Deadline for write-in candidates to file their declaration of intent with the city clerk indicating the office and term for which they are running and affirming their qualifications to hold the office, if elected.	50-410 34-702A
Friday, October 11, 2019	Last day to pre-register to vote for Nov. 5, 2019 election; voters may still register when voting in-person absentee, early voting, or at polling place on Election Day.	34-408
Friday, October 25, 2019	Mail-in absentee ballot requests must be received by 5:00 p.m. by the county clerk.	34-1002
Fri., Nov. 1, 2019	Last day for in-person absentee voting or early voting, which ends at 5:00 p.m.	34-1002 & 34-1012
Tues., Nov. 5, 2019	Election Day. Absentee ballots must be received by 8:00 p.m. to be counted.	34-1005
Friday, November 15, 2019	Deadline for the county clerk to certify the election results to the city. The election results by precinct must be included in the council meeting minutes in Nov. or Dec.	34-1410

Appendix B: Model Notice of Candidate Filing Deadline

NOTICE OF CANDIDATE FILING DEADLINE
CITY OF _____, IDAHO

NOTICE IS HEREBY GIVEN: That the general election to be held in and for the City of _____, Idaho, will be held on Tuesday, November 5, 2019. The election will be held for the purpose of electing the following _____ offices for the _____ specified terms: _____

Candidates for city elected office are required to file a Declaration of Candidacy specifying the office sought and affirming that the individual is a qualified city elector, meaning: at least 18 years of age, a U.S. citizen, the candidate's primary residence must be within the city, the address of the candidate's voter registration must match the residence address provided on the candidate's declaration, and the candidate must have resided in the city for at least 30 days prior to submitting their declaration. The Declaration of Candidacy must be accompanied by: (1) a nonrefundable filing fee of \$40 or (2) a Petition of Candidacy signed by at least five qualified city electors with the signatures verified by the county clerk's office. The deadline for filing Declarations of Candidacy is Friday, September 6 at 5:00 p.m. Declarations of Candidacy are available at City Hall in the office of the city clerk at _____ from the hours of _____ to _____.

_____, City Clerk

Appendix C: Model Ordinance Setting Compensation for Elected City Officials

Ordinance No. _____

AN ORDINANCE ESTABLISHING THE COMPENSATION FOR THE MAYOR AND COUNCILMEMBERS OF THE CITY OF _____, REPEALING CONFLICTING ORDINANCES, AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF _____, IDAHO:

SECTION 1. MAYOR AND COUNCIL COMPENSATION.

Commencing January 1, ____, the salaries of the Mayor and of the members of the _____ City Council shall be as follows:

(a) The Mayor shall receive an annual salary in the sum of _____ dollars (\$_____); and

(b) Each member of the Council shall receive an annual salary in the sum of _____ dollars (\$_____).

OPTIONAL: The Mayor and Council shall receive the same employee benefits as any full-time city employee, except for accrual of vacation or sick leave.

SECTION 2. REPEAL OF CONFLICTING PROVISIONS.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. PUBLICATION AND EFFECTIVE DATE.

The city clerk is hereby directed to publish this ordinance as a legal notice in the _____, the official city newspaper.

This ordinance shall be effective January 1, ____ following its publication as provided by law.

Enacted by the City Council as an ordinance of the City of _____ on the ____ day of _____, ____.

Approved by the Mayor on the ____ day of _____, ____.

City of _____

Mayor

ATTEST:

City Clerk

Appendix D: Declaration of Candidacy

Candidate: Please print legibly your legal name

Candidate: Please print legibly your name as you want it to appear on the ballot

I, the undersigned, affirm that I am a qualified elector of the City of _____, State of Idaho, and that I have resided in the city for at least thirty (30) days. I hereby declare myself to be a candidate for the office of _____, for a term of _____ years, to be voted for at the election to be held on the _____ day of November, _____, and certify that I possess the legal qualifications to fill said office, and that my residence address is _____.

Candidate's Signature

Subscribed and sworn to before me this _____ day of _____, _____.

Signed _____

Notary Public in and for the State of Idaho

residing at _____

My Commission expires _____

OFFICIAL USE ONLY

CITY CLERK

Before accepting this Declaration of Candidacy, the City Clerk (or designee) must verify:

This declaration is accompanied by:

_____ The attached Petition of Candidacy signed by at least five qualified city electors with the attached verification from the county clerk,

OR

_____ A nonrefundable filing fee of \$40.

The City Clerk (or designee) must verify that the person submitting this declaration is a qualified city elector as defined in Idaho Code 50-402(c) and that the residence address provided above matches the address on the individual's voter registration.

This declaration was accepted by _____

on _____ at _____
Name, Title

After the close of the candidate filing period, a copy of this form must be transmitted immediately to the County Clerk to assist in ballot preparation.

COUNTY CLERK

Upon receipt of this Declaration of Candidacy, stamp the date and time of receipt on the front of this document. This document is to be used for ballot preparation.

Appendix E: Petition of Candidacy

State of Idaho
County of _____ ss.
City of _____

PETITION OF CANDIDACY
OF _____
Name of Candidate
FOR OFFICE OF _____

This petition must be filed in the office of the City Clerk not earlier than 8:00 a.m. on the eleventh Monday nor later than 5:00 p.m. on the ninth Friday immediately preceding election day. The submitted petition must have affixed thereto the names of at least five (5) qualified electors who reside within the appropriate city.

I, the undersigned, being a qualified elector of the City of _____, in the State of Idaho, do hereby certify and declare that I reside at the place set opposite my name and that I do hereby join in the petition of _____, a candidate for the office of _____ to be voted at the election to be held on the _____ day of November, _____.

Signature of Petitioner	Printed Name	Residence Address	Date Signed
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

STATE OF IDAHO
County of _____

I, _____, being first duly sworn, say: That I am a resident of the State of Idaho and at least eighteen (18) years of age; that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence; I believe that each has stated his or her name and residence address correctly, and that each signer is a qualified elector of the State of Idaho, and the City of _____.

Signed _____ Address _____
Signature Collector Address of Signature Collector

Subscribed and sworn to before me this _____ day of _____, _____.
Signed Notary Public _____
Residing at _____
Commission expires _____

(Notary Seal)

Appendix F: Declaration of Intent for Write-in Candidates

DECLARATION OF INTENT FOR WRITE-IN CANDIDATE
For

Print Candidate's Legal Name

I, the undersigned, hereby declare my intent to be a write-in candidate for the office of _____, for the City of _____, for a term of _____ years, to be voted on at the election to be held on the _____ day of November, _____, and that my residence address is _____.

I further certify that I possess the legal qualifications to hold said office, that I am a qualified elector of the City of _____, State of Idaho, and that I have resided in the city for at least thirty (30) days.

Dated: _____, _____ Signed: _____

Subscribed and sworn to before me this _____ day of _____, _____.

Signed: _____

Notary Public in and for the State of Idaho

Residing At: _____

My Commission Expires: _____

(Notary Seal)

OFFICIAL USE ONLY

CITY CLERK

Before accepting this Declaration of Intent, the City Clerk (or designee) must verify that the person submitting this declaration is a qualified city elector as defined in Idaho Code 50-402(c) and that the residence address provided above matches the address on the individual's voter registration.

This declaration was accepted by _____ on _____ at _____.
Name, Title Date Time

A copy of this form must be transmitted to the County Clerk as soon as possible after it is filed.

COUNTY CLERK

Upon receipt of this Declaration of Intent, stamp the date and time of receipt on the front of this document.

Appendix G: Candidate Withdrawal Forms

Withdrawal of Declaration of Candidacy

I, _____, hereby withdraw my Declaration of Candidacy for the office of _____, of the City of _____, and authorize the County Clerk to remove my name from the ballot in the manner provided by law.

Candidate's Signature

Date

Subscribed and sworn to before me this ____ day of _____, ____.

Signed: _____
Notary Public in and for the State of Idaho
Residing At: _____
My Commission Expires: _____
(Notary Seal)

Withdrawal of Declaration of Intent

I, _____, hereby withdraw my Declaration of Intent for the office of _____, of the City of _____, and state that I am no longer a candidate for such office.

Candidate Signature

Date

Subscribed and sworn to before me this ____ day of _____, ____.

Signed: _____
Notary Public in and for the State of Idaho
Residing At: _____
My Commission Expires: _____
(Notary Seal)

CITY CLERK

A copy of this form must be transmitted to the County Clerk as soon as possible after it is filed.

COUNTY CLERK

Upon receipt of this form, stamp the date and time of receipt on the front of this document.

Appendix H: Oath of Office

Official Oath

STATE OF IDAHO,

}SS

County of _____

I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Idaho, and that I will faithfully discharge the duties of _____, of the City of _____, according to the best of my ability.

Signature of Elected or Appointed Officer

Subscribed and sworn to before me this _____ day of

_____, _____.

City Clerk

Appendix I: Certificate of Election

Certificate of Election

City of _____, State of Idaho

THIS IS TO CERTIFY, that at a General Election held in the City of _____, County of _____, State of Idaho, on November 5, 2019, _____ was duly elected to the office of _____ for the City of _____ for a term of _____ years, beginning January _____, 2020.

IN WITNESS WHEREOF, this certificate has been signed
by the Mayor and Clerk of the City of _____, and its corporate seal has been hereto affixed on January _____, 2020.

Attest: _____
Clerk

Mayor

Appendix J: Certificate of Appointment

Certificate of Appointment

City of _____, State of Idaho

THIS IS TO CERTIFY, that at a meeting held in the City of _____, County of _____, State of Idaho, on _____, 20____, _____ was duly appointed to the office of _____ for the City of _____, and shall serve until the next general city election.

IN WITNESS WHEREOF, this certificate has been signed by the Mayor and Clerk of the City of _____, and its corporate seal has been hereto affixed on _____, 20____.

Attest: _____

City Clerk

Mayor

APPLICATION FOR ABSENT ELECTOR'S BALLOT

State of Idaho

County of _____

} S.S.

Date: _____

I, _____, hereby make application for an absent elector's ballot or ballots to be voted at the election held on

(Check election this application is to be used)

- 2nd Tuesday in March (School Bond or Levy)
- 3rd Tuesday in May (Primary Election and/or Taxing Districts Elections)
- Last Tuesday in August (School Bond or Levy)
- Tuesday following 1st Monday in November (General Election and/or Taxing Districts Election)
- Special Emergency Election to be held on _____, _____.

My home address is: _____ in _____,
(House Number and Street) (City)
and I am duly registered in _____ County, Idaho.

Please mail ballot(s) to me at the following address:

(Elector)

Optional Information - which will be public record:
(_____) _____
(Phone Number) (Mailing Address)

(Email Address) (City, State and Zip Code)

ELECTOR MUST PERSONALLY SIGN APPLICATION

Signed: _____
(Elector)

Idaho Voter Registration Form

You can use this form to:

- register to vote in the state of Idaho.
- let us know that your name or address has changed.
- affiliate with a political party or change your status to unaffiliated.

To register to vote in Idaho you must:

- be a U.S. Citizen,
- have resided in Idaho and in the county for thirty (30) days prior to the day of election, and
- be at least 18 years old.

You cannot register to vote in Idaho if:

- you have been convicted of a felony and have not had your civil rights restored.
Persons convicted of a felony in Idaho have their rights automatically restored upon completion of sentencing including probation or parole.

IMPORTANT! If mailed, this card must be postmarked by the 25th day before an election. If you are a first-time voter in Idaho, a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck or government document that shows your name and address must be submitted with this form or shown at the polls prior to voting.

How to register to vote:

- You may mail or deliver your completed card to your county. County addresses are on the back of this form.
- If mailed, your county elections office will mail you a card to let you know that your registration was received.

Political Party:

- If no political party is selected, you will be registered as unaffiliated (no political party preference).

Questions?

- Call one of the county election offices listed on the back of this form.

Use Black Pen - Please Print Clearly

Detach Here

Idaho Voter Registration Form

<p>1 Last Name <i>(Print clearly in black ink.)</i></p>	<p>First Name</p>	<p>Middle Name</p>	<p>2 Enter Idaho Driver's License #</p> <div style="border: 1px solid black; width: 100%; height: 20px; margin-bottom: 5px;"></div> <p>If no Idaho Driver's License, enter last 4 digits of Social Security #</p> <div style="border: 1px solid black; width: 100%; height: 20px; margin-bottom: 5px;"></div> <p>I have not been issued an Idaho DL number or SSN. <input type="checkbox"/></p>
<p>WARNING: Any elector who supplies any information knowing it to be false is guilty of perjury which is punishable by imprisonment and a fine of up to \$50,000.</p>			
<p>3 Are you a citizen of the United States of America? Yes <input type="checkbox"/> No <input type="checkbox"/> Will you be at least 18 years of age on election day? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>If you checked 'No' for either question, do not complete this form.</p>		<p>4 Date of Birth</p> <p style="text-align: center;">____/____/____</p> <p style="text-align: center;">month \ day \ year</p> <p>Residence in Idaho Male <input type="checkbox"/> Yrs. ____ Months ____ Female <input type="checkbox"/></p>
<p>5 Residence Address (Do not use PO Box or business address. If no street address, describe location of residence by cross streets, section, township, range, or other physical description.)</p>			<p>Telephone Number (Optional)</p> <hr/>
<p>6 Mailing address if different from above</p>	<p>City</p>	<p>County</p>	<p>Zip</p>
<p>Address where previously registered</p>	<p>City</p>	<p>State</p>	<p>Zip</p>
<p>8 <input type="checkbox"/> Check box if name change</p>	<p>Previous Name</p>	<p>City</p>	<p>County</p>
<p>9 Do you have any legal disqualifications? Yes <input type="checkbox"/> No <input type="checkbox"/></p>			<p>Idaho felon's rights are automatically restored upon completion of all sentencing conditions including probation or parole.</p>
<p>10 Signature - Sign on line below.</p> <p style="text-align: center; font-size: 2em; font-weight: bold;">X</p>			
<p>UNDER PENALTY OF LAW: By signing this card, I certify that I am a citizen of the United States and that I shall have been a resident of Idaho and the county for 30 days before the next election at which I vote; that I am at least 18 years of age on election day; and I declare under oath or affirmation that the information supplied herein is true.</p>			
<p>Date of Signature</p> <p style="text-align: center;">____/____/____</p> <p style="text-align: center;">month \ day \ year</p>			<p>Precinct _____</p> <p>Clerk _____ Date _____</p>

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COUNTY ELECTION OFFICES

(Updated January 2016)

County	Address	Phone	County	Address	Phone
Ada	400 N. Benjamin Ln., Ste. 100, Boise 83704	287-6860	Gem	415 E Main, Rm. #202, Emmett 83617-3096	365-4561
Adams	PO Box 48, Council 83612-0048	253-4561	Gooding	PO Box 417, Gooding 83330-0417	934-5479
Bannock	PO Box 4489, Pocatello 83205	236-7329	Idaho	320 W Main Rm. #5, Grangeville 83530-1948	983-2751
Bear Lake	PO Box 190, Paris 83261-0190	945-2212	Jefferson	210 Courthouse Way, Ste. 100, Rigby 83442	745-7756
Benewah	701 W. College Ave, Ste. 101 St Maries 83861-1851	83861-1851	Jerome	300 N Lincoln Rm 301, Jerome 83338-2344	644-2714
		245-3212	Kootenai	PO Box 9000, Coeur d'Alene 83816-9000	446-1030
Bingham	501 N Maple St #205, Blackfoot 83221-1776	782-3164	Latah	PO Box 8068, Moscow 83843-0568	883-2249
Blaine	206 1st Ave South #200, Hailey 83333-8429	788-5510	Lemhi	206 Courthouse Drive, Salmon 83467-3900	756-2815
Boise	PO Box 1300, Idaho City 83631-1300	392-4431			Ext. 224
Bonner	1500 Hwy 2, Ste. 124, Sandpoint 83864-1794	255-3631	Lewis	510 Oak Street Rm #1, Nezperce 83543-5065	937-2661
Bonneville	825 Shoup Ave, Idaho Falls (Physical)	529-1363	Lincoln	111 West B Street Suite C, Shoshone 83352-5364	
	605 N Capital Ave, Idaho Falls 83402-3582 (Mailing)				
Boundary	PO Box 419, Bonners Ferry 83805-0419	267-2242	Madison	PO Box 389, Rexburg 83440-0389	359-6244
Butte	PO Box 737, Arco 83213-0737	527-3021	Minidoka	PO Box 368, Rupert 83350-0368	436-9511
Camas	PO Box 430, Fairfield 83327-0430	764-2242	Nez Perce	PO Box 896, Lewiston 83501-0896	799-3020
Canyon	1102 E Chicago, Caldwell 83605-3522	454-7562	Oneida	10 Court Street, Malad 83252-1200	766-4116
Caribou	PO Box 775, Soda Springs 83276-0775	547-4324	Owyhee	PO Box 128, Murphy 83650-0128	495-2421
Cassia	1459 Overland Ave Rm #105, Burley 83318-1862		Payette	1130 3rd Ave N Rm 104, Payette 83661-2473	642-6000
		878-5240	Power	543 Bannock Ave, American Falls 83211-1200	226-7611
Clark	PO Box 205, Dubois 83423-0205	374-5304	Shoshone	700 Bank Street #120, Wallace 83873-2348	752-1264
Clearwater	PO Box 586, Orofino 83544-0586	476-5615	Teton	150 Courthouse Dr #208, Driggs 83422	354-8780
Custer	PO Box 385, Challis 83226-0385	879-2360	Twin Falls	PO Box 126, Twin Falls 83303	736-4004
Elmore	150 S 4th E #3, Mountain Home 83647-3000	587-2130	Valley	PO Box 1350, Cascade 83611-1350	382-7100
Franklin	39 W Oneida, Preston 83263-1232	852-1090	Washington	PO Box 670, Weiser 83672-0670	414-2092
Fremont	151 W 1st N #12, St Anthony 83445-1548	624-7332			

FIND YOUR COUNTY'S ADDRESS AND WRITE IT IN THE ADDRESS SECTION BELOW.

Detach Here

PLACE
STAMP
HERE

TO: COUNTY ELECTIONS DEPARTMENT

_____ IDAHO _____

CITY ZIP