IN THE SENATE

SENATE BILL NO. 1159

BY STATE AFFAIRS COMMITTEE

AN ACT RELATING TO INITIATIVES AND REFERENDUMS;

RELATING TO INITIATIVES AND REFERENDUMS; AMENDING SECTION 34-1801A, IDAHO CODE, TO PROVIDE FOR CERTAIN INITIATIVE PETITION REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1802, IDAHO CODE, TO REVISE PROVISIONS REGARDING GATHERING AND SUBMITTING SIGNATURES FOR AN INITIATIVE PETITION; AMENDING SECTION 34-1804, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE REQUIREMENTS OF EACH BALLOT MEASURE SIGNATURE SHEET AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-1805, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE SIGNATURES REQUIRED FOR AN INITIATIVE OR REFERENDUM PETITION; AMENDING CHAPTER 18, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1812, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR A FISCAL IMPACT STATEMENT FOR EACH QUALIFYING BALLOT INITIATIVE; AMENDING SECTION 34-1812C, IDAHO CODE, TO PROVIDE FOR A FISCAL IMPACT STATEMENT SUMMARY IN THE VOTERS' PAMPHLET AND TO MAKE TECHNICAL CORRECTIONS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 34-1801A, Idaho Code, be, and the same is hereby amended to read as follows:

- 34-1801A. PETITION. (1) An initiative petition shall embrace only one (1) subject and matters properly connected with it.
- (2) The initiative may contain an effective date, if passed, which shall not be sooner than July 1 of the year following the vote on the ballot initiative. If no effective date is specified in the petition, the effective date of an initiative that has been approved by the electorate shall be July 1 of the following year.
- (3) The sponsor of an initiative shall propose a funding source for the cost of implementing the measure. The proposed funding source information, along with the fiscal impact statement summary prepared by the division of financial management pursuant to section 34-1812, Idaho Code, shall accompany a copy of the initiative when it is circulated for signatures and filed with the secretary of state, but shall not formally be part of the initiative and shall have no binding effect.
- $\underline{\mbox{(4)}}$ 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..., Secretary of State of the State of Idaho:
"We, the undersigned citizens and qualified electors of the State

"We, the undersigned citizens and qualified electors of the State of Idaho, respectfully demand that the following proposed law, to-wit: (setting out full text of measure proposed) shall be submitted to the qualified electors of the State of Idaho, for their approval or rejection at the regular general 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 State of Idaho; my residence and legislative district are correctly written after my name.

11	Signature	Printed	Residence	City	Date	Legislative
12		Name	Street			District
13			and			Official
14			Number			u ∐se ⊖Only

(Here follow twenty numbered lines for signatures.)

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

SECTION 2. That Section 34-1802, Idaho Code, be, and the same is hereby amended to read as follows:

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 secretary of state and extending eighteen (18) months one hundred eighty (180) days from that date, or April 30 of the year of the next general 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 eighteen (18) months one hundred eighty (180) days from the date the petitioner receives the official ballot title from the secretary of state, 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 secretary of state not less than four (4) months before the election at which they are to be voted upon.
- SECTION 3. That Section 34-1804, Idaho Code, be, and the same is hereby amended to read as follows:
- 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 state legislature of the state of Idaho, 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 secretary of state a copy of such petition duly signed by at least twenty (20) qualified electors of the state, which shall be filed by said officer in his office, and who shall immediately transmit a copy of the petition to the attorney general 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 secretary of state. To every sheet of petitioners' signatures shall be attached a full and correct copy of the measure so proposed by initiative petition and a copy of the fiscal impact summary; but such petition may be filed by the secretary of state 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. Each signature sheet shall contain signatures of qualified electors from only one (1) county legislative district.

SECTION 4. That Section 34-1805, Idaho Code, be, and the same is hereby amended to read as follows:

- 34-1805. SPONSORS TO PRINT PETITION -- NUMBER OF SIGNERS REQUIRED. (1) After the form of the initiative or referendum petition has been approved by the secretary of state as <u>provided</u> in sections 34-1801A through 34-1822, Idaho Code, <u>provided</u>, 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 <u>several counties</u> legislative districts of the state for the signatures of legal voters.
- $\underline{(2)}$ Before such petitions shall be entitled to final filing and consideration by the secretary of state, there shall be affixed thereto the signatures of legal voters equal in number to not less than $\underline{\text{six}}$ $\underline{\text{ten}}$ percent $(\underline{610}\%)$ of the qualified electors at the time of the last general election in each of at least $\underline{\text{eighteen}}$ (18) $\underline{\text{thirty-two}}$ (32) legislative districts; provided however, the total number of signatures shall be equal to or greater than $\underline{\text{six}}$ $\underline{\text{ten}}$ percent $(\underline{610}\%)$ of the qualified electors of the state at the time of the last general election.

SECTION 5. That Chapter 18, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a $\underline{\text{NEW SECTION}}$, to be known and designated as Section 34-1812, Idaho Code, and to read as follows:

- 34-1812. FISCAL IMPACT STATEMENTS. (1) A statement of fiscal impact shall be prepared for each initiative that has qualified for the ballot. At the time the secretary of state transmits a copy of the ballot title and approved form of any initiative petition to the persons initiating the measure, the secretary of state shall also transmit a copy of the ballot title and initiative petition to the division of financial management.
- (2) The division of financial management, in consultation with any other appropriate state or local agency, shall prepare an unbiased, good faith statement of the fiscal impact of the law proposed by the initiative. The statement of fiscal impact may review the initiative sponsor's cost estimate required under section 34-1801A, Idaho Code, but shall then independently calculate and prepare a statement of fiscal impact that describes any projected increase or decrease in revenues, costs, expenditures, or indebtedness that the state or local governments will experience if the ballot measure is approved by the voters. The fiscal impact statement shall include both immediate expected fiscal impacts and an estimate of any state or local government long-term financial implications. A fiscal impact statement must be written in clear and concise language and shall avoid legal and technical terms whenever possible. Where appropriate, a fiscal impact statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context.
- (3) A fiscal impact statement must include both a summary not to exceed one hundred (100) words and a more detailed statement that includes the assumptions that were made to develop the fiscal impacts. Fiscal impact statements must be available online from the secretary of state's website no later than August 1. The fiscal impact statement summary shall be circulated with the petition when signatures are being gathered, and shall also be included in the state voters' pamphlet and on the official ballot.

SECTION 6. That Section 34-1812C, Idaho Code, be, and the same is hereby amended to read as follows:

- 34-1812C. VOTERS' PAMPHLET. (1) Not later than September 25 before any regular general election at which an initiative or referendum measure is to be submitted to the people, the secretary of state 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 fiscal impact statement summary; and
 - $\underline{\text{(c)}}$ A copy of the arguments and rebuttals for and against each state measure.
- (2) The secretary of state shall mail or distribute a copy of the voters' pamphlet to every household in the state. Sufficient copies of the voters' pamphlet shall also be sent to each county clerk. The county clerk and the secretary of state 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 $\frac{not}{no}$ 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;
- (c) It shall be printed on a quality and weight of paper $\frac{\text{which}}{\text{that,}}$ in the judgment of the secretary of state, best serves the voters;
- (d) If the material described in subsections (a) and (b) $\underline{(1)}$ of this section is combined in a single publication with constitutional amendments, the entire publication shall be treated as a legal notice.
- SECTION 7. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.
- SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.