

TITLE 34
ELECTIONS

CHAPTER 22
CONSTITUTIONAL CONVENTION ACT

34-2201. ELECTION OF DELEGATES. Whenever the Congress of the United States has proposed, or shall hereafter propose, an amendment to the Constitution of the United States, and proposes that it be ratified by conventions in the several states, the governor shall fix by proclamation the date of an election, subject to the provisions of section [34-106](#), Idaho Code, for the purpose of electing delegates to such convention in the state of Idaho. The proclamation for such election shall be issued by the governor under his hand and the great seal of the state of Idaho at least ninety (90) days before such election and copies thereof shall be transmitted to the board of county commissioners of the counties in which such elections are to be held. Such election shall be held at least as soon as the next general election occurring more than three (3) months after the amendment has been proposed by the Congress of the United States.

[34-2201, added 1933, ch. 179, sec. 1, p. 328; am. 1995, ch. 118, sec. 47, p. 467.]

34-2202. QUALIFICATIONS OF VOTERS. At such election all persons qualified to vote for presidential electors shall be entitled to vote.

[34-2202, added 1933, ch. 179, sec. 2, p. 328.]

34-2203. ASCERTAINMENT AND CERTIFICATION OF RESULTS -- GENERAL ELECTION LAWS APPLICABLE. Except as in this act otherwise provided, such election shall be conducted and the results thereof ascertained and certified in the same manner as in the case of the election of presidential electors in this state, and all the provisions of the laws of this state relative to general elections, except in so far as inconsistent with sections [34-2201](#)--[34-2216](#), are hereby made applicable to such election.

[34-2203, added 1933, ch. 179, sec. 3, p. 328.]

34-2204. NUMBER OF DELEGATES. The number of delegates to be chosen to such convention shall be twenty-one (21), to be elected from the state at large.

[34-2204, added 1933, ch. 179, sec. 4, p. 328.]

34-2205. QUALIFICATIONS OF DELEGATES -- NOMINATING PETITIONS -- DECLARATIONS OF CANDIDATES AND SIGNERS -- CERTIFICATION. Candidates for the office of delegate to the convention shall be qualified electors of the state of Idaho. Nomination shall be by petition and not otherwise. A single petition shall nominate but one (1) candidate, who may have one (1) or more separate petitions. Nominations shall be without party or political designation, but the nominating petitions shall each contain a declaration of the candidate that he is a candidate for election to the office of delegate to the constitutional convention, and a statement to the effect that he favors ratification of, or that he is against ratification of the proposed constitu-

tional amendment to be acted upon by the constitutional convention, and the total number of voters joining in the nomination of a candidate shall not be less than one hundred (100).

The candidate's declaration in the nominating petition shall be in substantially the following form, to-wit:

I, the undersigned, being a qualified elector of precinct, County, State of Idaho, hereby declare myself to be a candidate for the office of delegate to the constitutional convention, to be voted for at the election to be held on the day of,, and that I (insert one only of the following: "favor ratification of" or "am against ratification of") the proposed constitutional amendment to be acted upon by the constitutional convention, and certify that I possess the legal qualifications to fill said office, and that my post-office address is

I further certify and declare that if nominated I hereby accept said office.

(Signed)

All blank spaces shall be properly filled in with the necessary information and the declaration of candidacy shall be subscribed and sworn to before an officer authorized to administer oaths, and the signatures of the voters joining in such petitions, each of which signature shall be followed by the signer's residence address and date, shall be prefaced by a declaration in substantially the following form, to-wit:

I, the undersigned, being a qualified elector of the State of Idaho, do hereby declare that I am in accord with the statement and declaration of, a candidate for the office of delegate to the constitutional convention, to be voted for at the election to be held on the day of,, and do hereby join in this petition for his nomination for such office.

Name of Petitioner	Post office	Date of Signing
.....

Each nominating petition shall, at the time of filing in the office of the secretary of state, bear an affidavit in substantially the following form, executed and verified by a citizen and resident of the State of Idaho:--

State of Idaho

ss.

County of

I do solemnly swear (or affirm) that I am a citizen and resident of the State of Idaho; that each of the petitioners whose name is affixed to the above paper signed the same personally, together with his post-office address and date of signing, and that each signed the same with full knowledge of its contents; that to the best of my knowledge each is a qualified elector of the State of Idaho.

(Signed)

Subscribed and sworn to before me this day of,

.....
Notary Public for the State of
Idaho; residence

No voter shall sign more than twenty-one (21) nominating petitions nor more than one (1) petition for the same candidate, and if he does either, his signatures shall not be counted on any nominating petition.

All acceptances and petitions shall be filed with the secretary of state not less than forty-five (45) days before the date fixed for the election. No nomination shall be effective except those of the twenty-one (21) candidates in favor of ratification and the twenty-one (21) candidates against ratification whose nominating petitions have respectively been signed by the largest number of voters, ties, if any, to be decided by lot drawn by the secretary of state; provided, however, that if there be less than twenty-one (21) candidates in favor of ratification, all such candidates shall be considered as nominated, or if there be less than twenty-one (21) candidates against ratification all such candidates shall be considered as nominated.

Within ten (10) days after the petitions are filed with him, the secretary of state shall certify to each county auditor within the state, a certified list of the candidates of each group entitled to be voted for at such election, as appears from the acceptances and nominating petitions filed in the office of the secretary of state.

[34-2205, added 1933, ch. 179, sec. 5, p. 328; am. 2007, ch. 90, sec. 17, p. 254.]

34-2206. BALLOTS. The election shall be by ballot, separate from any ballot to be used at the same election, which ballot shall be prepared as follows: It shall first state the substance of the proposed constitutional amendment. This shall be followed by appropriate instructions to the voter. It shall then contain perpendicular columns of equal width headed respectively, in plain type, "For Ratification" and "Against Ratification." In the column headed "For Ratification" shall be placed the names of the candidates nominated in favor of ratification. In the column headed "Against Ratification" shall be placed the names of the candidates nominated as against ratification. The voter shall indicate his choice by making one or more cross-marks in the appropriate spaces provided on the ballot. No ballot shall be held void because any such cross-mark is irregular in character. The ballot shall be so arranged that the voter may, by making a single cross-mark, vote for the entire group of candidates whose names are comprised in any column:

The ballot shall be in substantially the following form:

PROPOSED AMENDMENT TO THE CONSTITUTION

OF THE UNITED STATES

Delegates to the Convention to Ratify the

Proposed Amendment.

The Congress has proposed an amendment to the Constitution of the United States which provides (insert here the substance of the proposed amendment).

The Congress has also proposed that the said amendment shall be ratified by conventions in the several states.

INSTRUCTIONS TO VOTERS

Do not vote for more than 21 candidates altogether.

To vote for all candidates in favor of ratification, or for all candidates against ratification, make a cross-mark in the CIRCLE at the head of the list of candidates for whom you wish to vote. If you do this, make no other mark.

To vote for an individual candidate make a cross-mark in the SQUARE at the left of the name.

FOR RATIFICATION

AGAINST RATIFICATION

☐ John Doe

☐ Charles Coe

☐ Richard Roe

☐ Michael Moe

All circular spaces in said ballot shall be one-half (1/2) inch in diameter.

All square spaces in said ballot shall be one-half (1/2) inch square.

Except as herein otherwise provided, ballots and supplies for said election shall be prepared and furnished as provided by chapter 9 of this title.

[34-2206, added 1933, ch. 179, sec. 6, p. 328.]

34-2207. RESULT OF ELECTION -- VACANCIES, HOW FILLED. The twenty-one (21) candidates who shall receive respectively the highest numbers of the total number of votes cast at said election shall be the delegates to the convention. If there shall be a vacancy in the convention caused by the death or disability of any delegate or any other cause, the same shall be filled by appointment by the majority vote of the delegates comprising the group from which such delegate was elected and if the convention contains no other delegate of that group, shall be filled by the governor.

[34-2207, added 1933, ch. 179, sec. 7, p. 328.]

34-2208. MEETING AND ORGANIZATION OF DELEGATES. The delegates to the convention shall meet and assemble in the house of representatives in the capitol at Boise, Idaho, on the twenty-eighth day after their election, at twelve (12) o'clock noon, and shall thereupon organize as, be and constitute a convention to pass upon the question of whether or not the proposed amendment shall be ratified.

[34-2208, added 1933, ch. 179, sec. 8, p. 328.]

34-2209. ORGANIZATIONAL POWERS OF CONVENTION. The convention shall be the judge of the election and qualification of its members; and shall have the power to elect its president, secretary and other officers and/or employees and to adopt its own rules.

[34-2209, added 1933, ch. 179, sec. 9, p. 328.]

34-2210. JOURNAL OF PROCEEDINGS. The convention shall keep a journal of its proceedings in which shall be recorded the vote of each delegate on the question of ratification of the proposed amendment. Upon final adjournment

the journal shall be certified to by the president and secretary of the convention and be filed with the secretary of state.

[34-2210, added 1933, ch. 179, sec. 10, p. 328.]

34-2211. CERTIFICATE OF RATIFICATION. If the convention shall agree, by a vote of a majority of the total number of delegates, to the ratification of the proposed amendment, a certificate to that effect shall be executed by the president and secretary of the convention and transmitted to the secretary of state of this state, who shall transmit the certificate under the great seal of the state to the secretary of state of the United States.

[34-2211, added 1933, ch. 179, sec. 11, p. 328.]

34-2212. NO COMPENSATION -- EXPENSES, HOW ALLOWED. No delegate to a constitutional convention shall receive any compensation except that such delegate shall be paid his actual, necessary and reasonable expenses in traveling to and from and attendance at said convention.

[34-2212, added 1933, ch. 179, sec. 12, p. 328.]

34-2213. EXPENSES, HOW PAID. All the expenses of the constitutional convention and the expenses allowed delegates thereto shall be allowed and paid by the state of Idaho in the same manner as other claims against the state are allowed and paid, and from such appropriations as are, or may be, available therefor.

[34-2213, added 1933, ch. 179, sec. 13, p. 328.]

34-2214. FEDERAL STATUTE TO CONTROL. If at or about the time of submitting any such amendment, Congress shall either in the resolution submitting the same or by statute, prescribe the manner in which the conventions shall be constituted, and shall not except from the provisions of such statute or resolution such states as may theretofore have provided for constituting such conventions, the preceding provisions of this act shall be inoperative, the convention shall be constituted and shall operate as the said resolution or Act of Congress shall direct, and all officers of the state who may by the said resolution or statute be authorized or directed to take any action to constitute such a convention for this state are hereby authorized and directed to act thereunder and in obedience thereto with the same force and effect as if acting under a statute of this state.

[34-2214, added 1933, ch. 179, sec. 14, p. 328.]

34-2215. SEPARABILITY. If any part or parts of sections [34-2201](#)--[34-2216](#) shall be adjudged by the courts to be unconstitutional or invalid, the same shall not effect the validity of any part or parts thereof which can be given effect without the part or parts adjudged to be unconstitutional or invalid. The legislature hereby declares that it would have passed the remaining parts of sections [34-2201](#)--[34-2216](#) if it had been known that such other part or parts thereof would be declared to be unconstitutional or invalid.

[34-2215, added 1933, ch. 179, sec. 15, p. 328.]

34-2216. SHORT TITLE. This act, sections [34-2201](#)--[34-2216](#), may be cited as the "Constitutional Convention Act."

[34-2216, added 1933, ch. 179, sec. 16, p. 328.]