

TITLE 31
COUNTIES AND COUNTY LAW

CHAPTER 4
CONSOLIDATION OF COUNTIES

31-401. AUTHORITY FOR COUNTY CONSOLIDATION. Counties of the state of Idaho as they now exist, or may hereafter be created or exist, may be consolidated as in this act provided.

[31-401, added 1933, ch. 135, sec. 1, p. 206.]

31-402. TIME FOR HOLDING ELECTIONS TO CONSOLIDATE COUNTIES. All elections for the consolidation of counties shall be held at the November general election.

[31-402, added 1933, ch. 135, sec. 2, p. 206; am. 1995, ch. 118, sec. 21, p. 450; am. 2009, ch. 341, sec. 12, p. 1001.]

31-403. PETITION FOR CONSOLIDATION. Not less than ninety (90) days nor more than six (6) months prior to the date specified in section [31-402](#), Idaho Code, a petition may be circulated in any county praying for the consolidation of such county with another county. Such petition shall be entitled in the district court of the former county, and shall be in substantially the following form:

"The undersigned qualified electors of County, State of Idaho, hereby petition the court thereof to order an election to be held on the first Tuesday following the first Monday of November in an even-numbered year to determine whether said County shall be consolidated with County (naming the county with which it is desired to consolidate), under the provisions of the law applicable to such elections."

Such petition may consist of any number of copies required for convenient and rapid circulation and the various copies shall be considered as one (1) petition. If said petition, within the time limits hereinbefore fixed, is signed by a number of qualified electors of the county which it is proposed to consolidate, equal in number to two-thirds (2/3) of all votes cast therein at the last general election, such petition shall thereupon, and not later than eighty (80) days prior to said election date, be filed with the clerk of the district court of such county. Such petition shall be deemed a proposal to consolidate said county with the county named therein.

[31-403, added 1933, ch. 135, sec. 3, p. 206; am. 1995, ch. 118, sec. 22, p. 450; am. 2009, ch. 341, sec. 13, p. 1001.]

31-404. SIGNING OF PETITION -- QUALIFICATIONS OF SIGNERS -- PETITION OPEN TO INSPECTION. Each person signing such petition shall write, or cause to be written, opposite his name the name or number of the precinct in which he resides; and no person shall be entitled to sign such petition unless he is, at the time of signing, a qualified elector of the county. Said petition shall, after filing as herein provided, be open to the inspection of the public.

[31-404, added 1933, ch. 135, sec. 4, p. 206.]

31-405. RIGHT TO CONTEST PETITION. Any qualified elector of the county shall have the right to contest the right of any person whose name is subscribed to such petition to file the same, or to contest said petition as to any name or names subscribed thereto which he believes are fictitious: provided, he shall, within ten (10) days after such petition is filed, file in the office of the clerk a list of the names of the persons whose right to sign such petition he is desirous of contesting and/or a list of the names therein which he believes to be fictitious, together with an affidavit attached thereto stating specifically the grounds of his contest.

[31-405, added 1933, ch. 135, sec. 5, p. 206.]

31-406. HEARING OF CONTEST. Said petition, with any such contesting lists and affidavits, shall be presented to the court, or to the judge thereof at chambers if the court is not in session, not less than ten (10) nor more than fifteen (15) days after the petition has been filed with the clerk. If any contest has been filed as herein provided, the court or judge shall set a date for hearing the same at a time not more than ten (10) days later. At the time set the court, or judge at chambers, shall hear all evidence for and against said petition, and shall strike from such petition all names proved by competent evidence to be fictitious and the names of persons having no legal right to sign the same, and also all names not legally signed thereto. In case there shall be no contest, or if the court or judge finds, after striking from said petition all names proved to be fictitious, and all names not legally signed thereto, that the petition still contains the number of qualified signers required by this act, the court or judge shall order an election according to the prayer of the petition. In case of contest, subpoena may be issued as in other cases. All cases of contest arising upon such petitions shall have precedence over all other cases.

[31-406, added 1933, ch. 135, sec. 6, p. 206.]

31-407. PROVISION FOR HOLDING ELECTION -- NOTICE THEREOF TO BE GIVEN. If the court shall order an election, copies of such order, certified by the clerk, shall at once be filed with the county clerk of the county which it is proposed to consolidate, and also with the county clerk of the county with which the consolidation is proposed. The county clerk of each of said counties shall cause a notice of the holding of said election to be published in a newspaper published in each county designating the consolidation proposal to be voted on, the date of the election, the hours during which the polls will be opened, and the polling places in each precinct. The first publication of such notice 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. The county clerk in each county shall likewise, not less than thirty (30) days before such election, cause a copy of such notice to be posted in a conspicuous place in each precinct in each county and in/or near each post office situated therein. If no newspaper be published in such county, the notice given by posting as herein provided shall be sufficient. In any conflict between these election specifications and those provided in [chapter 14, title 34](#), Idaho Code, the provisions of the latter shall prevail.

[31-407, added 1933, ch. 135, sec. 7, p. 206; am. 2009, ch. 341, sec. 14, p. 1002.]

31-408. PREPARATION AND FORM OF BALLOTS. It shall be the duty of the county clerk of each of said counties to cause ballots to be printed to state: "Shall County be consolidated with County?"

- ☐ Yes
- ☐ No"

The county clerk in each county shall send the requisite number of ballots to each voting precinct in his county in a reasonable time before the election. All ballots and supplies to be used at such election, and the expenses necessarily incurred in the preparation and conduct of such election, shall be paid out of the county election fund as in the case of general elections.

[31-408, added 1933, ch. 135, sec. 8, p. 206; am. 2009, ch. 341, sec. 15, p. 1002.]

31-409. CONDUCT OF ELECTION. The polls in the several election precincts on the day any such election is held shall be open as provided in [chapter 14, title 34](#), Idaho Code. No adjournments or intermissions whatever shall take place until the polls shall be closed and the votes counted.

[31-409, added 1933, ch. 135, sec. 9, p. 206; am. 1995, ch. 118, sec. 23, p. 450.]

31-410. WHO QUALIFIED TO VOTE. No person shall be qualified to vote at any such election unless he is a qualified elector of the county and state in which he offers to vote and unless he be duly registered in the precinct where he offers to vote.

[31-410, added 1933, ch. 135, sec. 10, p. 206.]

31-411. PROVISIONS OF GENERAL ELECTION LAWS MADE APPLICABLE. The provisions of the general election laws relative to the holding of elections, the appointment of judges and clerks of election, the registration of voters, the solicitation of voters at the polls, the manner of conducting elections, the officers and duties thereof at elections, the counting of ballots and making returns of the results, the canvassing of returns, and all other provisions relating to general elections shall apply to elections held under this act so far as they are applicable and consistent with the provisions hereof, the intention of this act being to place the holding of elections for county consolidations under protection and regulation of general laws now in force, as far as possible, adding thereto the special features herein contained.

[31-411, added 1933, ch. 135, sec. 11, p. 206.]

31-412. RESULT OF VOTE. When an election has been held, as in this act provided, and the county board of canvassers in each of said counties have found and declared that two-thirds (2/3) of the voters in each county who have voted for or against such consolidation have voted in favor of such consolidation, then, on and after the second Monday in December next thereafter, said counties are consolidated under the name of the county with which such consolidation was effected, and the county consolidated shall, on and after said date, cease to exist. Where such consolidation occurs, the terms

of office of all county officers in the county which has been consolidated shall automatically terminate.

[31-412, added 1933, ch. 135, sec. 12, p. 206.]

31-413. PAYMENT OF FLOATING INDEBTEDNESS -- DISPOSITION OF BONDED DEBT. The floating indebtedness of the counties so consolidated, existing and owing at the time the consolidation becomes effective, evidenced by warrants, orders, tax anticipation notes or bonds, and claims outstanding and unpaid, and bond interest coupons maturing prior to said date, shall be determined by the respective county auditors of said counties, and the amount and details thereof certified to the board of commissioners of the county with which the consolidation has been effected. All money in the possession or under the control of the treasurer or other officer of the county which has been consolidated (except school district, road district, highway district, city, village and other municipal funds) shall be paid over to the treasurer of the other county and by the latter applied upon said floating indebtedness of the county which has been consolidated. If any balance remains after the payment of such floating indebtedness, such balance shall be apportioned to the current expense fund of the consolidated county. If such money and credits shall be insufficient to pay such floating indebtedness, as aforesaid, such deficiency shall be met, provided for and paid by levy made on the taxable property in the territory of the county which has been consolidated, such levy to be made and to be payable as other levies for the redemption and payment of indebtedness of like character. In like manner, any amount of such floating indebtedness of the county with which the consolidation has been effected, over and above the moneys in the possession or under the control of the treasurer or other officer of such county (except school district, road district, highway district, village, city and other municipal funds) at the time the consolidation becomes effective, shall be met, provided for and paid by levy on the taxable property in the territory of such county as it existed prior to consolidation.

The bonded indebtedness of the respective counties, existing at the time the consolidation becomes effective, shall be met, provided for and paid as if no consolidation had been effected, the taxable property in the territory of each county, as it formerly existed, remaining liable therefor as before; and the same rule shall apply in the case of any refunding issue or issues.

[31-413, added 1933, ch. 135, sec. 13, p. 206.]

31-414. TRANSFER OF RECORDS -- SALE OF PROPERTY. Promptly after such consolidation becomes effective, all records, files, proceedings, instruments, documents, bonds, reports, maps, plats, rolls and the like shall be delivered to and taken possession of by the appropriate officer of the county with which the consolidation has been made, and the same shall become a part of the official files and records of such office. All property of the formerly existing county shall become the property of the consolidated county and shall be managed, handled and disposed of as other county property. Any real property and equipment such as court house, jail or hospital, no longer required, may be sold as like county property is sold.

[31-414, added 1933, ch. 135, sec. 14, p. 206.]

31-415. DISPOSITION OF COUNTY MONEYS. The county treasurer of the formerly existing county shall turn over to the treasurer of the consolidated county all funds in his official possession or control belonging to municipal or quasi municipal corporations, and the proper record of such transaction shall be made in the office of the county auditor.

[31-415, added 1933, ch. 135, sec. 15, p. 206.]

31-416. TRANSFER OF CIVIL, CRIMINAL AND PROBATE MATTERS. All civil and criminal actions and special proceedings, and all records and files pertaining thereto, pending in the formerly existing county, shall be transferred to the office of the clerk of the court of the consolidated county, without further charge, likewise all civil and criminal actions and all unsettled estates, pending in the probate court of the formerly existing county, together with all records and files pertaining to the same, shall be transferred to the probate court of the consolidated county, without additional charge.

[31-416, added 1933, ch. 135, sec. 16, p. 206.]