

Initiatives - Filing

- ▶ Statewide
 - ▶ Filed with the Secretary of State's Office
- ▶ County
 - ▶ Filed with the County Clerk's Office
- ▶ City
 - ▶ Filed with the City Clerk

Initiatives – Signature Requirements

- ▶ Statewide
 - ▶ Not less than 6% of the Qualified Electors at the last general election (i.e. 56,192) – **AND** –
 - ▶ At least 6% of the Qualified Electors in each of at least 18 Legislative Districts
- ▶ County & City
 - ▶ Not less than 6% of the Qualified Electors at the last general election of the county or city

Initiative & Referendum Petition

- ▶ Required Information to start.
 - ▶ Warning & Introduction (see 34-1801A, Idaho Code)
 - ▶ Text of initiative or referendum.
 - ▶ Should appear in legislative bill format.
 - ▶ Signature Lines – At most 20 lines
 - ▶ Circulator Affidavit

Step 1 – Start Petition

- ▶ Proponents file a starting petition.
 - ▶ Contains the text of the initiative or referendum
 - ▶ Requires 20 starting signatures
 - ▶ Must be of qualified electors of the state, county or city
 - ▶ These 20 do not count toward required number of signatures.
 - ▶ They may sign again after the titles are issued.
 - ▶ Shows support for the petition and starts the process.

Step 1 – Start Petition

- ▶ Verify the starting 20 Signatures
 - ▶ State – Secretary of State
 - ▶ County & City – County Clerk

Step 1 – Start Petition (cont.)

- ▶ Certificate of Review
 - ▶ Send immediately after verification of signatures
 - ▶ Statewide – Attorney General’s Office
 - ▶ County – County Prosecuting Attorney
 - ▶ City – City Attorney
 - ▶ Review within 20 working days after receipt
 - ▶ Includes any recommended revisions or alterations as may be deemed necessary and appropriate. Only Advisory.
 - ▶ Issues Certificate to filing office and the petitioner.

Step 2 – Filing after Review

- ▶ Proponents file the measure within 15 working days of the Certificate of Review.
- ▶ They can continue without changes or can make modifications as desired.
 - ▶ Modifications do **NOT** require any additional signatures.

Step 2 – Filing after Review (cont.)

- ▶ Measure is submitted for the Ballot Titles.
 - ▶ Statewide – Attorney General’s Office
 - ▶ County – County Prosecuting Attorney
 - ▶ City – City Attorney
- ▶ Ballot Titles due within 10 working days of receipt.
- ▶ Dissatisfied with ballot titles?
 - ▶ Appeal to the Courts within 20 days after ballot titles are filed in the filing office.

Step 3 – Preparation & Circulation

- ▶ Notice is sent to the proponent containing the short and long ballot title, the approved form and printing instructions.
- ▶ Upon receipt, the petitioner has 18 months or April 30 in the election year that the measure will appear on the ballot, whichever comes first for a statewide issue.
- ▶ County – 180 days
- ▶ City – (same as state)

Step 3 – Preparation & Circulation

- ▶ Required Information for petition
 - ▶ Short & Long Ballot Title
 - ▶ Introduction
 - ▶ Text of initiative or referendum
 - ▶ Signature Lines
 - ▶ Circulator Affidavit

Step 3 – Preparation & Circulation (Cont.)

- ▶ Petition Sheets
 - ▶ 1 signature sheet to each initiative/referendum wording
 - ▶ 1 sheet per county for statewide
 - ▶ Signatures are void **IF**
 - ▶ Circulator is not a resident and 18 years of age
 - ▶ Signer is not shown **both** ballot titles.
 - ▶ Signer may remove his/her signature only prior to filing

Step 3 – Preparation & Circulation (Cont.)

- ▶ Petition Sheets
 - ▶ Signatures must be signed in the presence of gatherer
 - ▶ **Cannot** be left on counted or unattended for people to read and sign.
 - ▶ **Cannot** be circulated as an online petition.
 - ▶ Gatherer must witness & certify that they witnessed signatures.
 - ▶ May be submitted for verification/certification as collected.

Step 3 – Preparation & Circulation (Cont.)

- ▶ Submission
 - ▶ 1st submitted to County Clerk for verification & certification
 - ▶ State - By 5 pm on May 1st or 18 months from titles, whichever is earlier.
 - ▶ County – 180 days after approval as to form
 - ▶ City – (same as state)
 - ▶ May be submitted for verification as collected. Recommended not to wait!
 - ▶ County Clerk has 60 calendar days to verify the signatures
 - ▶ Cannot extend past the last day of June in the year an election on the initiative will be held.

Step 3 – Preparation & Circulation (Cont.)

- ▶ County Clerk to attach a certification to each signature sheet identifying the number of signatures being those of qualified electors of the jurisdiction.

Step 3 – Preparation & Circulation (Cont.)

- ▶ Rejecting Signatures
 - ▶ Voter is outside the jurisdiction.
 - ▶ Voter has struck through or crossed out their name.
 - ▶ Voter listed address that does not match address on their registration card.

Step 3 – Preparation & Circulation (Cont.)

- ▶ Accepting Voter Names
 - ▶ Voter name is the same as it appears on their registration, however, may be
 - ▶ Initial in place of first or middle name;
 - ▶ Common nickname;
 - ▶ Presence or absence of suffix

Step 3 – Preparation & Circulation (Cont.)

- ▶ Accepting Voter Addresses
 - ▶ Voter address is the same as it appears on their registration.
 - ▶ Voter address is the same except there is –
 - ▶ Presence or absence of a letter or # identifying an apartment.
 - ▶ Presence or absence of a letter(s) indicating the directional location of a street.
 - ▶ Voter address re-addressed but same location.
 - ▶ Voter was registered at address on petition on the date the petition was signed.

Step 3 – Preparation & Circulation (Cont.)

- ▶ Accepting Voter Signature
 - ▶ Signature generally appears to be in a form similar to that found on their registration.

Step 3 – Preparation & Circulation (Cont.)

- ▶ Certification Sheet
 - ▶ Attaches to each signature page
 - ▶ Identifies the number of qualified electors signing the sheet
- ▶ Filing Officer determines if initiative or referendum was successful based on the numbers on the certification sheets.

Certification Sheet – Single Legislative District

State of Idaho }
 ss. }
 County of }

To the honorable Lawrence Denney, Secretary of State for the State of Idaho: I,, County Clerk of,
 County, hereby certify that signatures on this petition are those of qualified electors in legislative district number

Signed
 County Clerk or Deputy

(Seal of office)

Certification Sheet – Multiple Legislative District

State of Idaho }
 ss. }
 County of }

To the honorable Lawrence Denney, Secretary of State for the State of Idaho: I,, County Clerk of,
 County, hereby certify that

- signatures on this petition are those of qualified electors in legislative district number
- signatures on this petition are those of qualified electors in legislative district number
- signatures on this petition are those of qualified electors in legislative district number

Signed
 County Clerk or Deputy

(Seal of office)

Certification Sheet – County & City

State of Idaho
 ss.
 County of

To the honorable (Title) for the (Jurisdiction); 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)

Step 4 – Filing Petitions

- ▶ Final Submission
 - ▶ Initiatives: Submitted to filing office no later than 4 months before the election at which they are voted upon.
 - ▶ Statewide
 - ▶ Filed with the Secretary of State's Office
 - ▶ County – 180 days
 - ▶ Filed with the County Clerk's Office
 - ▶ City – (same as state)
 - ▶ Filed with the City Clerk

Step 4 – Filing Petitions (Cont.)

- ▶ Final Submission
 - ▶ Referendum: Submitted to filing office not more than 60 days after the final adjournment of the session of the State Legislature which passed the bill on which the referendum is demanded.
 - ▶ Statewide
 - ▶ Filed with the Secretary of State's Office
 - ▶ County – 30 days after adoption
 - ▶ Filed with the County Clerk's Office
 - ▶ City – 60 days after adoption
 - ▶ Filed with the City Clerk

Step 4 – Filing Petitions (Cont.)

- ▶ Not Enough Signatures?
 - ▶ No election is held.

Step 4 – Filing Petitions (Cont.)

- ▶ Enough Signatures?
 - ▶ Filing Officer orders an election.
 - ▶ Election held in November.
 - ▶ State or County – Even Year
 - ▶ City – Odd Year

Step 5 – Voter's Pamphlet & Arguments

- ▶ Voter's Pamphlet
 - ▶ Printed & distributed no later than September 25th
- ▶ Arguments – Pro & Con
 - ▶ Any voter or group of voters may on or before July 20 prepare and file an argument not to exceed 500 words, for or against any measure.
 - ▶ Rebuttal Arguments, not to exceed 250 words, may be submitted no later than August 1.

Initiative or Referendum Ballot Form

- ▶ Short Ballot Title
- ▶ Long Ballot Title
- ▶ Clear and concise statement as to the effect of a "yes" or "no" vote, prepared jointly with filing officer and legal counsel.
- ▶ Numbered measures – designated Proposition One, Proposition Two, etc.

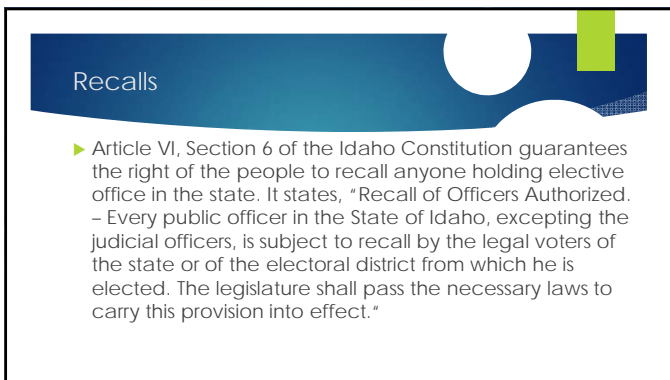
Conduct of Election

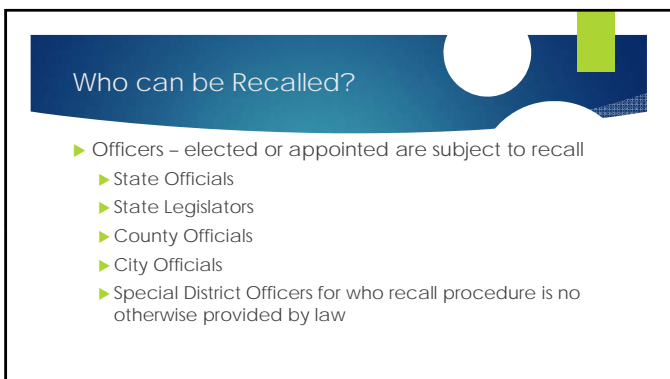
- ▶ Conducted in accordance with the general election laws of the state (i.e. Title 34, Idaho Code).
 - ▶ County Clerk to conduct the election
 - ▶ Canvassed by County Commissioners

Votes Required

- ▶ Majority of votes cast must be in favor of the initiative or referendum.







When can they be Recalled?

- ▶ Officer must be in office for 90 days before a Recall can be pursued.
 - ▶ 90 days of current term

Filing Officers

- ▶ State Officials & State Legislators
 - ▶ Secretary of State
- ▶ County Officials
 - ▶ County Clerk
- ▶ City Officials
 - ▶ City Clerk
- ▶ Special District Officers
 - ▶ County Clerk(s) where the district is located

Recall Petition

- ▶ Required Signatures – Filed with Secretary of State
 - ▶ Statewide
 - ▶ 20% of the number of electors registered to vote at the last general election held for Governor.
 - ▶ Legislative
 - ▶ 20% of the number of electors registered to vote at the last general election held in that legislative district at which the member was elected.

Recall Petition

- ▶ Required Signatures – Filed with County Clerk
 - ▶ County
 - ▶ 20% of the number of electors registered to vote at the last general election held in the county at which the officer was elected.

Recall Petition

- ▶ Required Signatures – Filed with City Clerk
 - ▶ City
 - ▶ 20% of the number of electors registered to vote at the last general city election held in the city for the election of officers.

Recall Petition

- ▶ Required Signatures – Filed with County Clerk
 - ▶ Special Districts
 - ▶ 50% of the number of electors who **voted** at the last general election held in the district at which the officer was elected.
 - ▶ School Trustee – electors within the zone
 - ▶ No district election with the last 6 years?
 - ▶ 20% of the number of electors registered to vote in the district or school zone at the time the petition is filed.

Recall Petition

- ▶ Required Information
 - ▶ Name or individual being recalled.
 - ▶ A separate petition is required for each individual being recalled.
 - ▶ Office for which the person is being recalled.
 - ▶ Reasons for the recall – not more than 200 words.
 - ▶ Signature Lines
 - ▶ Circulator Affidavit

Step 1 – Start Recall Petition

- ▶ Proponents file a starting petition.
 - ▶ Contains the required information
 - ▶ Requires 20 starting signatures
 - ▶ Must be of qualified electors of the individual's district.
 - ▶ These 20 do not count toward required number of signatures.
 - ▶ They may sign again after the titles are issued.
 - ▶ Shows support for the petition and starts the process.

Step 1 – Start Recall Petition

- ▶ Verify the starting 20 Signatures
 - ▶ State & Legislative – Secretary of State
 - ▶ County, City & Special Districts – County Clerk

Step 1 – Start Petition (cont.)

- ▶ Approval of Petition
 - ▶ Petition must be approved as to form by the filing officer.
 - ▶ Filing officer shall inform petitioner, in writing, of approval and printing instructions.

Step 2 – Preparation & Circulation

- ▶ 75 days from date of approval
 - ▶ Collect Required Signatures
 - ▶ **Cannot** be submitted for verification/certification as collected.
 - ▶ Signatures of qualified electors of the jurisdiction
 - ▶ Signatures must be signed in the presence of gatherer
 - ▶ **Cannot** be left on counted or unattended for people to read and sign.
 - ▶ **Cannot** be circulated as an online petition.
 - ▶ Gatherer must witness & certify that they witnessed signatures.

Step 2 – Preparation & Circulation (Cont.)

- ▶ Petition Sheets
 - ▶ 1 signature sheet to each recall wording
 - ▶ 1 sheet per county for statewide, legislative or joint districts
 - ▶ Signatures are void **IF**
 - ▶ Circulator is not a resident and 18 years of age
 - ▶ Signer may remove his/her signature only prior to filing

Step 3 – Filing Recall Petition

- ▶ Final Submission
 - ▶ Submitted to filing officer for verification & certification all at once.
 - ▶ No later than 75 days after approval
 - ▶ May **NOT** be submitted for verification as collected.

Step 4 – Verification & Certification of Recall Petition

- ▶ Filing Officer
 - ▶ If filing officer is Secretary of State or City Clerk, petitions are promptly transmitted to the County Clerk for verification & certification.
- ▶ County Clerk has 15 business days from the date of receipt to complete certification.
- ▶ County Clerk to attach a certification to each signature sheet identifying the number of signatures being those of qualified electors of the jurisdiction.

Step 4 – Verification & Certification of Recall Petition

- ▶ Rejecting Signatures
 - ▶ Voter is outside the jurisdiction of the individual being recalled.
 - ▶ Voter has struck through or crossed out their name.
 - ▶ Voter listed address that does not match address on their registration card.

Step 4 – Verification & Certification of Recall Petition

- ▶ Accepting Voter Names
 - ▶ Voter name is exactly as it appears on their registration, however, may be
 - ▶ Initial in place of first or middle name;
 - ▶ Common nickname;
 - ▶ Presence or absence of suffix

Step 4 – Verification & Certification of Recall Petition

- ▶ Accepting Voter Addresses
 - ▶ Voter address is the same as it appears on their registration.
 - ▶ Voter address is the same except there is –
 - ▶ Presence or absence of a letter or # identifying an apartment.
 - ▶ Presence or absence of a letter(s) indicating the directional location of a street.
 - ▶ Voter address re-addressed but same location.
 - ▶ Voter was registered at address on petition on the date the petition was signed.

Step 4 – Verification & Certification of Recall Petition

- ▶ Accepting Voter Signature
 - ▶ Signature generally appears to be in a form similar to that found on their registration.

Step 4 – Verification & Certification of Recall Petition

- ▶ Certification Sheet
 - ▶ Attaches to each signature page
 - ▶ Identifies the number of qualified electors signing the sheet
- ▶ Filing Officer determines if recall was successful based on the numbers on the certification sheets.

Certification Sheet - Recall

State of Idaho }
 as
 County of }

To the honorable (Title for the (Jurisdiction): 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)

Step 5 – Recall Petition Sufficiency

- ▶ Not Enough Signatures?
 - ▶ Officer continues in office
 - ▶ No new recall petition can be circulated for a period of 90 days against the same officer.

Step 5 – Recall Petition Sufficiency

- ▶ Enough Signatures?
 - ▶ Filing Officer notifies the petitioner and officer being recalled by certified mail that the petition is in proper form.
 - ▶ Officer being recalled has 5 business days to resign his office.
 - ▶ Resigns – resignation is accepted and takes effect on the day it is given. The vacancy shall be filled as provided by law.
 - ▶ No Resignation – Filing Officer calls for a special election to be held on the next available date prescribed in 34-106(9), I.C.

Recall Ballot Form

- ▶ Titled "RECALL BALLOT"
- ▶ Required Information
 - ▶ Reasons demanding recall used by petitioners
 - ▶ Not to exceed more than 200 words
 - ▶ Rebuttal issued by officer being recalled
 - ▶ Not to exceed more than 200 words

Conduct of Recall Election

- ▶ Conducted in accordance with the general election laws of the state (i.e. Title 34, Idaho Code).
 - ▶ County Clerk to conduct the election
 - ▶ Canvassed by County Commissioners

Votes Required to Recall

- ▶ Majority of votes cast must be in favor of the recall.
 - AND -
- ▶ # of votes cast in favor must equal or exceed the votes cast at the last general election for that officer.
 - ▶ If 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.

Outcome of Recall Election

- ▶ Recalled –
 - ▶ Officer shall be recalled at the time the results are proclaimed following the canvass.
 - ▶ Vacancy then exists & be filled in the manner provided by law for filling a vacancy arising from any other cause.

Outcome of Recall Election

- ▶ Recall Fails –
 - ▶ Officer continues in office.
 - ▶ No further recall petition shall be filed against the same officer during the remainder of his current term of office unless the persons wishing to recall him first pay into the public treasury the whole amount of the cost of the preceding recount.
 - ▶ The specific reason for the first recall cannot be the basis for a second recall during that current term of office.



► Questions?
