

Short Ballot Title

An initiative to require certification of candidates for President, Vice President, and electors by the Idaho Secretary of State.

Long Ballot Title

An initiative to require certification of candidates for President, Vice President, and Electors; amending Title 34, Chapters 711 and 711A, Idaho Code; that the Secretary of State shall not certify any of the candidates for President or Vice President or the Presidential Electors without affirmative proof that the candidates are eligible as required under Article II, Section 1 of the United States Constitution. The Secretary of State shall issue a written affidavit attesting to the Secretary of State's personal verification of eligibility.

Text of Initiative

SECTION 1. DECLARATION OF AUTHORITY. Article II, Section 1 of the United States Constitution states, "No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States." As a result, an executive order, treaty, or bill signed by any person who is not so eligible to be President, but is nonetheless errantly certified as President, is null and void and of no force since such person is not qualified for the office. In order to ensure that the Constitutional requirements for the office are met, it is necessary and proper for the duly appointed official in charge of elections in the state of Idaho verify that any candidate is so qualified for office before he or she appears on the ballot. A long form birth certificate, being the standard for proof of citizenship, and routinely required to provide proof of identity to receive a driver's license or other forms of identification, is thus necessary to ensure the integrity of the Constitutional requirements. It is entirely unreasonable that the nation's highest elective office be subject to less scrutiny than a child's enrollment in a Little League baseball team. The State of Idaho thus also reserves the right to demand affirmative proof of any President's qualifications and the relevant Constitutional authority delegated to such person, before recognizing any such authority under the U.S. Constitution.

SECTION 2. That Section 34-711, Idaho Code, be, and the same is hereby amended to read as follows:

34-711.CERTIFICATION OF CANDIDATES FOR PRESIDENT, VICE PRESIDENT AND PRESIDENTIAL ELECTORS. (1). The state chairman of each political party shall certify the names of the presidential and vice-presidential candidates and presidential electors to the secretary of state on or before September 1, unless a five (5) day extension is granted by the secretary of state, in order for them to appear on the general election ballot. The secretary of state shall certify such candidates to the county clerks at the same time as certification of political party candidates nominated for state and federal offices by the voters in the primary election.

(2). The secretary of state shall not certify any of the candidates for president, vice

president or the presidential electors from a particular party, if the state chairman does not furnish affirmative proof that the candidates for both president and vice president are eligible for those respective offices as required under Article II, Section 1 of the United States Constitution. Such affirmative proof shall be examined by the secretary of state, and copies of such shall be held by the office of the secretary of state. This documentation shall be viewable by any resident of the state of Idaho upon request. If a candidate for president or vice president was not born in the United States of America, the secretary of state shall seek a written opinion from the attorney general as to whether the candidate is a natural born citizen based upon the naturalization laws of the United States at the time of such candidate's birth.

(3). The secretary of state shall include with any certification of a party's candidates for president, vice president and presidential electors a written affidavit attesting to the secretary of state's personal verification of eligibility of the candidates for both president and vice president based on his or her best available information and the information required by (2) of this section. If the secretary of state cannot sign such affidavit because he or she believes that there is a reasonable doubt as to the qualifications for office for either the presidential or vice presidential candidate, then he or she shall not certify any of the candidates of that party for president, vice president, or their presidential electors, and he or she shall inform the state chairman for that party of the decision and the reasons supporting it.

(4). For the purposes of this section "affirmative proof" shall necessarily include a valid certified copy of a candidate's long form birth certificate, unless such candidate supplies a reasonable explanation of why such certificate does not exist and can provide other verifiable proof of place and date of birth.

SECTION 3. That Section 34-711A, Idaho Code, be, and the same is hereby amended to read as follows:

34-711A.CERTIFICATION OF INDEPENDENT PRESIDENTIAL ELECTORS. (1). Independent candidates who have qualified for ballot status pursuant to section 34-708A, Idaho Code, shall certify the names of presidential electors to the secretary of state on or before September 1, in order for them to appear on the general election ballot. The secretary of state shall certify the independent presidential electors, and the independent candidates for president and vice-president, to the county clerks on or before September 7.

(2). The secretary of state shall not certify any of the independent candidates for president or vice president or their respective presidential electors, if such candidates do not furnish affirmative proof that the candidates for both president and vice president are eligible for those respective offices as required under Article II Section 1 of the United States Constitution. Such affirmative proof shall be examined by the secretary of state, and copies of such shall be held by the office of the secretary of state. This documentation shall be viewable by any resident of the state of Idaho upon request. If a candidate for president or vice president was not born in the United States of America, the secretary of state shall seek a written opinion from the attorney general as to whether the candidate is a natural born citizen based upon the naturalization laws of the United States at the time of such candidate's birth.

(3). The secretary of state shall include with any certification of independent candidates for president, vice president and presidential electors a written affidavit attesting to the secretary of state's personal verification of eligibility of the candidates for both president and vice president based on his or her best available information and the information required by (2) of this section. If secretary of state cannot sign such affidavit because he or she believes that there is

a reasonable doubt as to the qualifications for office for either the presidential or vice presidential candidate, then he or she shall not certify such independent candidates or their presidential electors, and he or she shall inform such candidates of the decision and the reasons supporting it.

(4). For the purposes of this section "affirmative proof" shall necessarily include a valid certified copy of a candidate's long form birth certificate unless such candidate supplies a reasonable explanation of why such certificate does not exist and can provide other verifiable proof of place and date of birth.

SECTION 4. That Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 26, Title 34, Idaho Code, and to read as follows:

CHAPTER 26
AFFIRMATIVE VALIDATION OF PRESIDENTIAL AND VICE PRESIDENTIAL
ELIGIBILITY

34-2601. PURPOSE. It is in the interest of the people of Idaho to affirm that any person who purports to hold the title of President of the United States is so qualified under the United States Constitution. Any executive order, treaty, or Public Law signed by any person purporting to be President of the United States who is not qualified to hold such office is null and void under the United States Constitution.

34-2602. REVIEW OF QUALIFICATIONS. (1) Any person who purports to hold the office of the President of the United States after November 30, 2010, who has not undergone the review as stipulated under 34-711, Idaho Code, or 34-711A, Idaho Code, shall be informed by the Idaho secretary of state in writing of the need for him or her to furnish "affirmative proof" of his qualifications for office as defined in subsection (4) of 34-711, Idaho Code. (2) The secretary of state shall review such document as would required by 34-711, Idaho Code or 34-711A, Idaho Code, as if said person were a candidate for office.

34-2603. DELIVERY OF NOTICE. (1) The notice required by 34-2602, Idaho Code, from the secretary of state shall be delivered to the person claiming to be President of the United States within ten days of the provisions of 34-2602, Idaho Code, being triggered.

(2) Failure to receive the notice required by 34-2602, Idaho Code, shall not constitute a valid excuse for failing to comply with the terms of this chapter.

34-2604. UNQUALIFIED STATUS. (1) If after ninety days following the notice from the secretary of state or 110 days from the triggering of the provisions of subsection (1) of 34-2602, Idaho Code, the purported President of the United States has not provided the information required by subsection (2) of 34-2602, Idaho Code, such person shall be certified by the secretary of state as "unqualified" for office.

(2) If after review as required by subsection (2) of 34-2602, Idaho Code the secretary of state cannot sign such affidavit as required by subsection (3) of 34-711, Idaho Code, or subsection (3) of 34-711A, Idaho Code, as to the person's qualifications for office, the secretary of state shall certify the person as "unqualified" for office.

34-2605. JUDICIAL REVIEW OF UNQUALIFIED STATUS. Any person designated "unqualified" for office has ten days subsequent to being assigned such status by the secretary of state to file an appeal and judicial review of the decision by the Idaho supreme court. Any such challenge shall include information required in subsection (2) of 34-2602, Idaho Code, if not submitted previously to the secretary of state.

34-2606. NULLIFICATION. If the person acting as President of the United States is certified as "unqualified" by the secretary of state of Idaho, then any Public Law, executive order, or treaty signed by such person is null and void and of no force or effect in Idaho.

SECTION 5. SEVERABILITY. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.