



LEGISLATURE OF THE STATE OF IDAHO



Sixty-seventh Legislature

First Regular Session - 2023

IN THE _____

BILL NO. _____

BY _____

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-102, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DEFINITION OF A PRIMARY ELECTION; AMENDING SECTION 34-606, IDAHO CODE, TO REVISE PROVISIONS REGARDING ELECTION OF PRESIDENTIAL ELECTORS AND NOMINATING POLITICAL PARTY CANDIDATES FOR PRESIDENT; AMENDING SECTION 34-703, IDAHO CODE, TO REVISE PROVISIONS REGARDING NOMINATION AT PRIMARY; AMENDING SECTION 34-1214, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTIFICATES OF NOMINATION OR ELECTION TO FEDERAL, STATE, DISTRICT, OR NONPARTISAN OFFICES AFTER PRIMARY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 34-102, Idaho Code, be, and the same is hereby amended to read as follows:

34-102. "PRIMARY ELECTION" DEFINED -- PURPOSES. "Primary election" means an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties, and for the purpose of allowing voters to express their choice of candidate for nomination by a political party for president of the United States. Primary elections shall be held on the third Tuesday of May in each even-numbered year.

SECTION 2. That Section 34-606, Idaho Code, be, and the same is hereby amended to read as follows:

34-606. ELECTION OF PRESIDENTIAL ELECTORS AND NOMINATION FOR PRESIDENT. (1) At the general election, 1972, and every four (4) years thereafter, there shall be elected such a number of electors of president and vice president of the United States as the state may be entitled to in the electoral college.

(2) No person shall be elected to this position unless he has attained the age of twenty-one (21) years at the time of the election, is a citizen of the United States and shall have resided within the state two (2) years next preceding his election.

(3) ~~Such electors~~ Electors shall be certified to the secretary of state as provided for by law in sections 34-711 and 34-711A, Idaho Code.

(4) In years in which a president of the United States is to be nominated and elected, a primary election may be held for the purpose of enabling voters to choose their political party's nominee for candidate for president in conjunction with the primary election on the third Tuesday in May.

(a) Participation in a primary election for president of the United States by a political party shall be optional. Any political party

1 recognized pursuant to section 34-501, Idaho Code, that intends to nom-
2 inate its candidate for president by means of a party caucus instead of
3 a presidential primary election shall notify the secretary of state's
4 office of its intent no later than the first day of October prior to
5 the primary election. By no later than January 1 in the presidential
6 election year, such political party shall also provide the secretary
7 of state's office with a list of its caucus locations and shall certify
8 that the party has sufficient funds to hold its nomination by caucus.

9 (b) If a party notifies the secretary of state that it does not intend to
10 nominate its candidate for president by caucus or if the conditions set
11 forth in paragraph (a) of this subsection are not met, the primary elec-
12 tion for president shall be held in conjunction with the primary elec-
13 tion on the third Tuesday in May.

14 (5) Any candidate for a political party participating in a primary
15 election for nominating its candidate for president of the United States
16 shall file a declaration of candidacy with the secretary of state and pay a
17 filing fee of two thousand dollars (\$2,000) by the last Friday in January
18 preceding the primary election. Such filing fee shall be deposited in the
19 general fund.

20 SECTION 3. That Section 34-703, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 34-703. NOMINATION AT PRIMARY. (1) All political party candidates for
23 president of the United States, for United States senator and representative
24 in congress, and all political party candidates for elective state, dis-
25 trict, and county offices, except candidates for judicial office, at general
26 elections shall be nominated at the primary elections, or shall have their
27 names placed on the general election ballot as provided by law, and shall
28 comply with the provisions of this act.

29 (2) All candidates for judicial office shall be nominated or elected at
30 the primary election, as provided by section 34-1217, Idaho Code.

31 (3) Independent candidates shall not be voted on at primary elections.

32 SECTION 4. That Section 34-1214, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 34-1214. CERTIFICATES OF NOMINATION OR ELECTION TO FEDERAL, STATE,
35 DISTRICT, OR NONPARTISAN OFFICES AFTER PRIMARY. (1) Immediately after the
36 primary election canvass, the secretary of state shall issue certificates
37 of nomination to the political party candidates of each party who receive
38 the highest number of votes for their particular federal, state, or district
39 office. The candidates so certified shall have their names placed on the
40 general election ballot.

41 (2) Immediately after the primary election canvass, the secretary of
42 state shall certify to the state chair of each political party the number
43 of votes received by that party's candidates for president of the United
44 States. A winner shall be declared as prescribed by rule of the state and
45 national party.

46 ~~(2)~~ (3) Immediately after the primary election canvass, the secretary
47 of state shall issue certificates of nomination to the nonpartisan candi-

1 date or candidates who receive the highest number of votes for the number
2 of vacancies ~~which are~~ to be filled for a particular office and also to the
3 same number of candidates who receive the second highest number of votes for
4 the particular office. The candidates so certified shall have their names
5 placed on the general election ballot. If it appears from the canvass that a
6 particular candidate has received a majority of the total vote cast for the
7 particular office, he shall be issued a certificate of election instead of a
8 certificate of nomination and no candidates shall run for the particular of-
9 fice in the general election.

10 SECTION 5. An emergency existing therefor, which emergency is hereby
11 declared to exist, this act shall be in full force and effect on and after its
12 passage and approval.