

ORDINANCE NO. 115-79

AN ORDINANCE TO PROVIDE FOR DIRECT LEGISLATION
FOR THE PEOPLE OF BONNEVILLE COUNTY THROUGH
THE INITIATIVE AND/OR REFERENDUM BY WAY OF THE
BALLOT

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY
OF BONNEVILLE, IDAHO:

Section 1 Purpose: This ordinance is passed pursuant to the laws of the State of Idaho and in accordance with the authority vested in the Board of County Commissioners to provide for direct legislation by the people of Bonneville County through the initiative and referendum.

Section 2 Requirements: In order for an initiative or referendum to be placed on the ballot in Bonneville County, the following requirements must be met:

- (a) Petitioners for initiative or referendum shall be registered voters equal to twenty percent (20%) of the total number registered to vote at the last general election in the county;
- (b) Petitions for referendum shall be filed not less than sixty (60) days following the final adoption of the ordinance to be subject to referendum;
- (c) A special election for initiative or referendum shall be provided not more than ninety (90) days following the certification of the petitions, provided that in the event a general or primary election will occur within the ninety (90) days, the initiative or referendum shall be submitted at the time of the general or primary election, provided that the petition is submitted for certification within forty-five (45) days of the scheduled general or primary election, then the initiative or referendum will be submitted at a special election, unless the clerk has sufficient time to prepare the initiative or referendum for the electors at the time of the general or primary election.

Section 3 Requirements, Procedures and Form:

(a) A petition for county initiative or referendum shall be instituted by filing with the Bonneville County Clerk a verified written petition requesting such initiative or referendum. The petition must be signed by registered electors of Bonneville County equal in number to twenty percent (20%) of the number of electors registered to vote at the last general election held in said county.

(b) The initiative petition shall be in substantially the following form:

INITIATIVE PETITION

TO THE HONORABLE _____
COUNTY CLERK FOR THE COUNTY OF BONNEVILLE:

We, the undersigned, citizens and registered electors of the County of Bonneville, respectfully demand that the following proposed Bonneville County Ordinance, to-wit: (setting out full text of ordinance proposed) shall be submitted to the electors of Bonneville County for their approval or rejection at a special (or primary or general) election to be held on the _____ day of _____, A.D., 19____, and each for himself or herself says: I have personally signed this petition; I am a registered elector of the County of Bonneville; my name; residence; mailing address and the date I signed the petition are correctly and legibly printed or written after my signature.

SIGNATURE, NAME (PRINTED), MAILING ADDRESS (POST OFFICE), RESIDENCE and DATE

(Here follow, twenty (20) numbered lines for signatures

(c) The petition for referendum on any ordinance passed by the county commissioners of the County of Bonneville shall be in substantially the same form with appropriate title and changes, setting out in full the text of the act to be referred to the people for their approval or rejection.

(d) Before or at the time of beginning to circulate any petition for initiative or referendum, the person or persons, organization or organizations under whose authority the initiative or referendum petition is to be circulated, shall send or deliver to the county clerk a copy of such petition duly signed by at least twenty (20) electors eligible to sign such petition. The county clerk shall immediately examine the petition and specify the form and kind and size of paper on which the petition shall be printed and circulated for further signatures. All petitions for initiative or referendum and sheets for signatures shall be printed on a good-quality bond or ledger paper, on eight and a half inches (8½") in width by thirteen inches (13") in length, with a margin of one and three-fourths inches (1 3/4") at the top for binding, and the sheets for signatures shall have numbered lines thereon from one (1) to twenty (20) for signatures. The petition shall be prepared in sections, with each section numbered consecutively. Each section of the petition must have a printed copy of the petition as the first page, and each section shall have attached to it not more than ten (10) sheets for signatures.

The county clerk shall indicate in writing on the initiative or referendum petition that he has approved it as to form and the date of such approval. The county clerk shall inform the person or persons, organization or organizations under whose authority the petition is to be circulated, in writing, that the petition must be perfected with the required number of certified signatures within sixty (60) days following approval as to form. Any petition that has not been perfected with the required number of certified signatures within the sixty (60) days allowed shall be declared null and void.

(e) Each section of each petition containing signatures shall be verified in substantially the following form by the person who circulated said section of the petition, by his or her affidavit thereon, as a part thereof, to wit:

STATE OF IDAHO)
) S.S.
COUNTY OF BONNEVILLE)

I, _____, swear, under penalty of perjury, that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence. I believe that each has stated his or her name and the accompanying required information on the signautre sheet correctly, and that the person was eligible to sign this petition.

Signature _____

Post Office Address _____

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public

(Notary Seal)

Residing at _____

Section 4 Verification of Petitions: All petitions with attached signature sheets shall be presented to the county clerk, and a cursory examination of the petitions shall be made to determine whether the petitions apparently contain the necessary number of signatures.

(a) If the total number of signatures on the petition is not sufficient to satisfy the number required by Section 3-a of this ordinance, all petitions with attached signature sheets shall be retained by the clerk who shall notify in writing the person filing the petition of the number of signatures needed, and further signatures may be gathered.

(b) If the cursory examination of the signature sheets reveals:

- (i) Erasures on any signature;
- (ii) Illegible or undecipherable signatures;
- (iii) Signatures not properly indentified by all of the information required on the sheet;
- (iv) Duplicate signatures;
- (v) Signatures of persons who have requested in writing to have their names removed from the petition;

the officer making such cursory examination shall summarily reject such signatures and such rejected signatures shall not be counted. Each rejected signature shall be drawn through with ink and initialed by the rejecting officer. If the total number of signatures not rejected is not sufficient to satisfy the number required by Section 3-a of this ordinance, all petitions with attached signature sheets shall be retained by the officer who shall notify in writing the person filing the petition of the number of signatures needed, and further signatures may be gathered.

All initiative or referendum petitions presented to the county clerk found to apparently contain the necessary number of signatures, after the examination provided for above, shall be filed with the county clerk and become public records of the county not to be returned. The county clerk shall examine each signature purported to be that of a registered elector from his county, and compare each such signature with the registration documents available to the county clerk. The county clerk shall summarily reject all signatures as listed in Section 4b, and all which are not the signatures of registered electors; and such rejected signatures shall not be counted. Each rejected signature shall be drawn through with ink and initialed by the rejecting officer.

The county clerk shall certify each signature found to comply with all of the requirements of this act by an appropriate mark before each signature.

The county clerk shall total the number of certified signatures, and if found to total the number of signatures required by Section 3-a of this ordinance, shall proceed as provided. The county clerk may take not to exceed ten (10) days after filing of the petition

to complete his examination.

In the event that a petition filed with the county clerk does not contain the required number of certified signatures, the county clerk shall inform the person or organization under whose authority the petition was circulated that the petition is defective for lack of certified signatures, and specify the number of additional signatures required to make the petition valid. The petition must be perfected within thirty (30) days of the date that the clerk finds the petition defective for lack of certified signatures. If the petition is not perfected within the thirty (30) day period, the clerk shall declare the petition null and void.

In the event that a petition filed with the county clerk is found by the county clerk to contain the required number of certified signatures, the county clerk shall promptly, by certified mail, inform the petitioner that the initiative or referendum petition is in proper form.

Section 5 Conduct of Election: In the event that the petition contains the proper number of registered voters, and complies in all other respects to the requirements of this ordinance, a special election shall be called by the county clerk within ninety (90) days of the certification of the petition by the county clerk, unless a general or primary election will occur within the ninety (90) days, in which case the initiative or referendum will be held in conjunction with the general or primary election as provided in Section 2-c.

Section 6 Form of Initiative and Referendum Ballot: In the event of an initiative election, the title shall be given, followed by a statement by the prosecuting attorney giving the purpose of the proposed initiative. Provisions will be made for electors to vote "yes" or "no" on the proposal.

In the event of a referendum election, the ballot presentation shall follow substantially the same form.

The board of county commissioners will act as a board of canvassers as provided in 31-804 of the Idaho Code. In the event a majority of the electors vote "yes" to an initiative, the county clerk

shall immediately after the completion thereof, proclaim the results, from which date the ordinance shall be in full force and effect.

In the event a majority of the electors vote "yes" to a referendum, the ordinance in question will immediately become null and void.

Clyde A. Burtenshaw
Clyde A. Burtenshaw, Chairman
Board of Commissioners
Bonneville County, Idaho

ATTEST:

Ronald Longmore
Ronald Longmore, Clerk

BY: Eva Cook
Eva Cook, Acting Clerk

CERTIFICATION

STATE OF IDAHO)
) SS.
COUNTY OF BONNEVILLE)

I, Ronald Longmore, County Clerk of the County of Bonneville, State of Idaho, do hereby certify that the above and foregoing is a full, true, and correct copy of an ordinance entitled:

AN ORDINANCE TO PROVIDE FOR DIRECT LEGISLATION FOR THE PEOPLE OF BONNEVILLE COUNTY THROUGH THE INITIATIVE AND/OR REFERENDUM BY WAY OF THE BALLOT

ADOPTED: October 29, 1979

PUBLISHED: November 2, 1979