

FILED

AUG 16 1977

77-01 ELAINE S. JOHNSON 10:15 AM
CARIBOU COUNTY RECORDER P.M.
Stank Peterson Deputy

COUNTY ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR DIRECT LEGISLATION BY THE PEOPLE THROUGH THE INITIATIVE AND REFERENDUM, ESTABLISHING RULES AND REGULATIONS GOVERNING THE PETITIONING THEREFOR, AND PRESCRIBING THE PROCEDURE FOR CONDUCTING THE ELECTION PURSUANT THERETO.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS of Caribou County, Idaho, AS FOLLOWS:

SECTION 1. Creation of Right - The people of this County shall have the right to enact ordinances through the initiative process, and to repeal ordinances through the referendum process, according to the procedures set forth herein.

SECTION 2. Number of Petitioners Required - To enact an ordinance by initiative or to repeal an ordinance by referendum, there shall be attached or appended to the petition the signatures of the legal voters of the County equal to at least twenty (20) percent of the total number of voters registered to vote at the last general election in the County.

SECTION 3. Form of Petition - The initiative petition shall be in substantially the following form:

Initiative Petition to the Board of County Commissioners of Caribou County, Idaho: "We, the undersigned citizens and legal voters of the County of Caribou, respectfully demand that the following proposed county ordinance, to-wit: (setting out full text of measure proposed) shall be submitted to the legal voters of the County of Caribou, for their approval or rejection at an election to be called in accordance with Idaho Code Section 31-717, and each for himself says: I have personally signed this petition; I am a legal voter of the County of Caribou, Idaho, my residence and postoffice are correctly written after my name."

Name _____ Street Number _____ Postoffice _____

(Here follow numbered lines for signatures)

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

SECTION 4. Time for Filing Petitions -Referendum petitions with the requisite number of signatures attached shall be filed with the county clerk not less than sixty (60) days following the final adoption of the ordinance to be subject to referendum.

SECTION 5. Printing of Petition and Sheets for Signatures - Time Limits for Perfecting Petition - 1.) 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 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 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 and sheets for signatures shall be printed on a good quality bond or ledger paper, on pages eight and one-half (8½) inches in width by thirteen (13) inches in length, with a margin of one and three-fourths (1 3/4) inches 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.

2.) The county clerk shall indicate in writing on the petition that he has approved it as to form, the 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 the date of approval as to form. Any petition that has not been perfected with the required number of certified signatures within sixty (60) days allowed shall be declared null and void ab initio in its entirety.

SECTION 6. Verification on Sheets for Signatures - Each and every signature sheet of each petition containing signatures shall be verified on the face thereof in substantially the following form by the person who circulated said sheet of the petition, by his or her affidavit thereon, as a part thereof:

State of Idaho)
 : ss
County of Caribou)

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 signature sheet correctly, and that the person was eligible to sign this petition.

Signature _____

PostOffice Address _____

Subscribed and sworn to before me this _____ day of _____, 1977.

Notary Public _____

Residing at _____

(Notary Seal)

SECTION 7. Examination and Certification of Signatures -1.)
All petitions with attached signature sheets shall be presented on the same day to the county clerk, who shall make a cursory examination of them to determine whether the petitions apparently contain the necessary number of signatures.

a) If the total number of signatures on the petitions is not sufficient to satisfy the number required by Section 2 of this ordinance, all petitions with attached signature sheets shall be retained by the county clerk who shall notify in writing the person filing the petition of the number of signatures needed and further signatures may be gathered, if within the time limit of Section 5 of this ordinance.

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

- (i) Erasures on any signature;
- (ii) Illegible or undecipherable signatures;
- (iii) Signatures not properly identified 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 county clerk shall summarily reject such signatures and they shall not be counted. Each rejected signature shall be drawn through with ink and initialed by the clerk. If the total number of signatures not rejected is not sufficient to satisfy the number required by Section 2 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, if within the time limit of Section 5 of this ordinance.

2.) All petitions presented to the county clerk found to apparently contain the necessary number of signatures after the cursory 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 such signature purported to be that of a registered elector of the county and compare each such signature with the registration documents available to the county clerk. The county clerk shall summarily reject all signatures which are not the signatures of a registered elector of the county; and such rejected signatures shall not be counted. Each

rejected signature shall be drawn through with ink and initialed by the county clerk. The county clerk may take not to exceed ten (10) days after filing of the petition to complete his examination. The county clerk shall certify each signature found to comply with all of the requirements of this ordinance by an appropriate mark following each signature.

The county clerk shall total the number of certified signatures, and if found to total the number of signatures required by Section 2 of this ordinance, shall proceed as provided in Section 8 herein.

SECTION 8. Sufficiency of Petition - Notification - Effect of Council - Action - Election - 1.) In the event that a petition filed with a 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 county 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 ab initio in its entirety.

2.) In the event that a petition filed with a 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 petitioners, and shall also notify the Board of County Commissioners at its next meeting, that the initiative or referendum petition is in proper form.

a.) If the petition is for a referendum, the Board of County Commissioners shall have thirty days from the date of certification of the petition to repeal the ordinance being referred to the voters. In the event the Board of County Commissioners repeals the ordinance, the referendum petition shall be declared null and void.

b.) If the petition is an initiative petition, the Board of County Commissioners shall have thirty (30) days to pass an ordinance substantially as proposed by the petition. In the event the Board passes such an ordinance, the initiative petition shall be null and void.

c.) In the event the Board of County Commissioners neither repeals the ordinance which is the subject of the referendum petition, nor enacts an ordinance which is the subject of an initiative petition, an

election shall be ordered by the county clerk to be conducted county wide. A special election for initiative or referendum shall be provided not more than ninety (90) days following the certification of the petition 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.

SECTION 9. Form of Ballot - The Board of County Commissioners shall prepare a ballot for an initiative or referendum election in one of the following ways: 1) If the full text of the ordinance or proposed ordinance to be voted upon does not exceed 200 words in length, it may be set out in full on the election ballot; or

2.) If the full text of the ordinance or proposed ordinance to be voted upon exceeds 200 words in length, and the Board of County Commissioners votes not to have it printed at length on the election ballot, it shall, with the assistance of the county attorney, prepare a short title and description of the ordinance or proposed ordinance which shall clearly and impartially state its purpose and effect, which short title and description shall be printed on the election ballot.

SECTION 10. Conduct of Election - Initiative or referendum elections, whether special or general, shall be conducted and the results thereof canvassed and certified in all respects as near as practicable, in like manner as general elections, except as otherwise provided.

SECTION 11. Costs of Election - Upon the filing of any initiative or referendum petition with the county clerk, petitioners shall post bond with the clerk in an amount sufficient to offset the estimated expense of conducting the election, unless such election is to be held at the time of a regular general or primary election. As near as practicable after the election, the total actual expenses of the election shall be tabulated by the county clerk. The petitioners shall be jointly and severally liable for payment into the county treasury of the whole amount of the expenses of such election.

SECTION 12. Canvass of Returns - The Board of County Commissioners shall meet at 12 noon on the third day after said election to canvass the votes cast at such election, and the county clerk shall immediately announce the results. Any initiative measure approved by a majority of the votes cast shall be in full force and effect from the date of such announcement. Any ordinance which is the subject of a referendum receiving less than a majority of the votes cast shall be repealed, effective on the date of such announcement.

SECTION 13. Prohibited Acts - Penalties - A person is

guilty of a misdemeanor who:

- 1.) Signs any name other than his own to any initiative or referendum petition;
- 2.) Knowingly signs his name more than once on the same initiative or referendum petition;
- 3.) Knowingly signs his name to any initiative or referendum petition if he is not a registered county elector;
- 4.) Willfully or knowingly circulates, publishes or exhibits any false statement or representation concerning the contents, purport or effect of any initiative or referendum petition for the purpose of obtaining any signature to any such petition, or for the purpose of persuading any person to sign any such petition;
- 5.) Presents to any officer for filing any initiative or referendum petition to which is attached, appended or subscribed any signature which the person so filing such petition knows to be false or fraudulent, or not the same genuine signature of the person purporting to sign such petition, or whose name is attached, appended or subscribed thereto;
- 6.) Circulates or causes to circulate any initiative or referendum petition, knowing the same to contain false, forced or fictitious names;
- 7.) Makes any false affidavit concerning any initiative or referendum petition or the signatures appended thereto;
- 8.) Offers, proposes or threatens for any pecuniary reward or consideration:
 - a) To offer, propose, threaten or attempt to sell, hinder or delay any initiative or referendum petition or any part thereof or any signatures thereon;
 - b) To offer, propose or threaten to desist from beginning, promoting or circulating any initiative or referendum petition;
 - c) To offer, propose, attempt or threaten in any manner or form to use any recall petition or any power of promotion or opposition in any manner or form for extortion, blackmail or secret or private intimidation of any person or business interest.

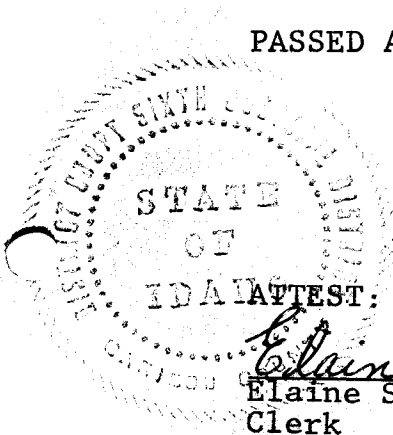
PASSED AND APPROVED this 1st day of August, 1977.

BOARD OF COUNTY COMMISSIONERS,
CARIBOU COUNTY, IDAHO

Robert E. Anderson
ROBERT E. ANDERSON, CHAIRMAN

Joseph G. Eliason
JOSEPH G. ELIASON

John Dewey Mansfield
JOHN DEWEY MANSFIELD



Elaine S. Johnson
Elaine S. Johnson
Clerk