



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

May 18, 2021

The Honorable Lawrence Denney
Idaho Secretary of State
Statehouse
VIA HAND DELIVERY

Re: Certificate of Review
Proposed Referendum Petition, S.B. 1110, 2021 Idaho Session Law
Chapter 255

Dear Secretary of State Denney:

A proposed referendum petition was filed with your office on April 26, 2021. Pursuant to Idaho Code section 34-1809, this office has reviewed the petition and prepared the following advisory comments. Under the review statute, the Attorney General's recommendations are "advisory only." The petitioner is free to "accept or reject them in whole or in part." Due to the available resources and limited time for performing the review, we did not communicate directly with the petitioner as part of the review process. The opinions expressed in this review are only those that may affect the legality of the referendum. This office offers no opinion with regard to the policy issues raised by the proposed referendum.

BALLOT TITLE

Following the filing of the proposed referendum, if petitioner decides to proceed with sponsorship, this office will prepare short and long ballot titles. The ballot titles should impartially and succinctly state the purpose of the measure without being argumentative and without creating prejudice for or against the measure. While our office prepares titles for the referendum, petitioner may submit proposed titles for consideration. Any proposed titles should be consistent with the above standard.

MATTER OF SUBSTANTIVE IMPORT

The referendum petition addresses Senate Bill 1110, 66th Legislature, 1st Regular Session, Idaho Session Laws Chapter 255 (2021) (codified as amended at Idaho Code section 34-1805), which passed both the House of Representatives and the Senate and was signed into law by the Governor on April 17, 2021. Pursuant to Idaho Code section 34-1803, Senate Bill 1110 is a proper subject of the proposed referendum. Due to the inclusion of an emergency clause, Senate Bill 1110 became immediately effective on April 17, 2021, when the Act was signed into law by the Governor and will continue in effect until a majority of the voters approve of the referendum petition at an election on the referendum, if one is held.

The cover letter requested guidance in regard to the language necessary to comply with the Idaho Code section 34-1803B and the removal of signatures. Guidance is found at Idaho Code section 34-1803B(3), which provides that "[e]ach signature page of an initiative or referendum petition shall state that any person signing a petition may remove his signature pursuant to this section." Our office recommends following this subsection. Each signature page of the petition should state "Any person signing a petition may remove his signature pursuant to Idaho Code § 34-1803B."

CERTIFICATION

I HEREBY CERTIFY that the enclosed measure has been reviewed for form, style, and matters of substantive import. The recommendations set forth above have been communicated to the Petitioner via copy of this Certificate of Review, deposited in the U.S. Mail to Jim Jones, 3151 N. 24th, Boise, Idaho 83702.

Sincerely,



LAWRENCE G. WASDEN
Attorney General

Analysis by:

Robert A. Berry
Deputy Attorney General