

STATE OF IDAHO

ELECTION LAWS

A Compilation of Election Laws with Amendments through the
2024 Regular Session of the Legislature

2024 – 2025
ELECTION CYCLE



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IDAHO SECRETARY OF STATE

Uniform District Election Law

UNIFORM DISTRICT ELECTION LAW
EDUCATION DISTRICT

Education District Elections

Frequently Asked Questions

When are school elections held?

School board trustee elections are held on the Tuesday following the first Monday in November in odd-numbered years. School districts may also hold elections on the third Tuesday in May for bonded indebtedness and property tax levy questions. ([34-106](#), [33-503 Idaho Code](#))

How many trustees are elected in a school district?

Each elementary school district is divided into 3 trustee zones and each other school district is divided into no fewer than 5 nor more than 9 trustee zones in accordance with [33-501](#), *Idaho Code*.

Each elementary school district shall have three (3) members and each other school district shall have five (5) members. However, a district may have no more than 9 members. ([33-313](#), [33-501](#), *Idaho Code*)

How do I know if I am eligible to vote in a school district election?

Any person voting or offering to vote, in any school election must be, at the time of the election, eighteen (18) years of age and a United States citizen who has resided in this state and in the school district at least thirty (30) days next preceding the election in which the elector desires to vote and be a registered elector. In the case of election of trustees, the elector must be a resident of the same trustee zone as the candidate or candidates for school district trustees for whom the elector offers to vote for at least thirty (30) days next preceding the election in which the elector desires to vote.

The County Clerk's Election Office or the secretary of the district can tell you if you are eligible to vote in district elections. ([33-405](#), [34-104](#), [34-1402](#), *Idaho Code*)

What are the requirements if I want to run for school board trustee?

A trustee candidate must be a registered voter of the State of Idaho and a resident of the trustee zone from which nominated and elected or appointed. Candidates for election of trustee file their declaration of candidacy which include the name of the candidate, the term for which declaration of candidacy is made and the signatures of at least five (5) electors of the candidate's trustee zone.

Declaration of Candidacy forms are available from and are filed with the clerk of the board of trustees of the school district not later than 5:00 p.m. on the ninth Friday preceding the election. However, the forms are also available from the county clerk's elections office. ([33-501](#), [33-502](#), [34-1404](#), *Idaho Code*; see Election Consolidation Calendar for dates)

Who is responsible for administration of the election?

The county clerk administers school district elections in accordance with the provisions of Title 34, Chapter 14, *Idaho Code*. The county clerk selects polling places, election judges and clerks.

The county clerk performs all necessary duties of the election official of a school district including, but not limited to, the publication of notice of the filing deadline and the notice of the election, and preparation of the election calendar. ([34-1401](#), [34-1406](#), *Idaho Code*)

Are write-in candidates allowed?

Yes, but write-in candidates must file a declaration of intent as a write-in candidate. The declaration of intent shall be filed with the clerk of the board of trustees of the school district. Such declaration of intent shall be filed not later than the eighth Friday before the day of election. The Declaration of Intent forms can be obtained from the clerk of the district or the County Clerk's Elections Office. ([34-1407](#), *Idaho Code*)

What if only one candidate files?

In any election for trustees, if, after the expiration of the date for filing written nominations for the office of trustee, it appears that only one (1) qualified candidate has been nominated for a position to be filled or if only one (1) candidate has filed a write-in declaration of intent as provided by section [34-1407](#), *Idaho Code*, and has provided to the district's board clerk the signatures of 5 electors of the candidate's specific zone, then no election shall be held for that position. The board of trustees or the school district clerk, with the written permission of the board, shall declare such candidate elected as a trustee. The school district clerk shall immediately prepare and deliver to the person a certificate of election signed by him and bearing the seal of the district. ([33-502B](#), *Idaho Code*)

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Is absentee voting allowed?

Yes. Any registered elector of the school district may vote by absentee ballot. Absentee ballots must be requested in writing from the county clerk. To request an absentee ballot to be mailed to the voter, the request must be received no later than 5 p.m. on the eleventh day before the election. In-person absentee voting is available in the County Clerk's Election Office until 5 p.m. on the Friday before the election. (34-1002, 34-1408, *Idaho Code*)

What hours are polling places open?

The polls open at 8:00 a.m. and remain open until all registered electors of that precinct have appeared and voted or until 8:00 p.m. of the same day, whichever comes first. However, the county clerk may, at his option, open the polls in his jurisdiction at 7:00 a.m. (34-1409, *Idaho Code*)

Can school district trustees be recalled?

Yes. The provisions and procedures to recall elected officials are outlined in Title 34, Chapter 17, *Idaho Code*. General election procedures shall be followed for the recall of a school board trustee, however only the electors within the zone can sign the petition and cast votes in the election. (34-1701, 33-503, *Idaho Code*)

How are vacancies filled?

Any vacancy occurring in the office of the school district trustee is filled by the board of trustees within ninety (90) days and the board shall notify the state Superintendent of Public Instruction of the appointment. After ninety (90) days, if the board of trustees is unable to appoint a trustee from the zone vacated, the board of trustees may appoint a person at-large from within the boundaries of the school district to serve as the trustee from the zone where the vacancy occurred. Otherwise, after one hundred twenty (120) days from the declaration of vacancy, appointments shall be made by the board of county commissioners of the county in which the district is situated, or of the home county if the district be a joint district. (33-504, *Idaho Code*)

Do campaign finance disclosure laws apply to school district elections?

Yes, school district trustee elections are subject to campaign finance laws. Campaign finance filings are to be made through an online campaign finance reporting system maintained by the Secretary of State, with the County Clerk and County Prosecuting Attorney responsible for enforcement. (67-6608, 67-6615, 67-6623, and 67-6625, *Idaho Code*)

Selected Code Sections

| | |
|----------------|---|
| 33-308 | EXCISION AND ANNEXATION OF TERRITORY |
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| 33-310A | CONSOLIDATION OF CONTIGUOUS SCHOOL DISTRICTS |
| 33-310B | FEASIBILITY STUDY AND PLAN FOR CONSOLIDATION |
| 33-311 | PLAN OF CONSOLIDATION SUBMITTED TO ELECTORS |
| 33-312 | DIVISION OF SCHOOL DISTRICT |
| 33-313 | TRUSTEE ZONES |
| 33-317 | COOPERATIVE SERVICE AGENCY — POWERS — DUTIES — LIMITATIONS |
| 33-354 | INDEBTEDNESS — BOND ISSUES |
| 33-355 | LEVY FOR PLANT FACILITIES RESERVE FUND — ELECTIONS |
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| 33-501 | BOARD OF TRUSTEES |
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| 33-503A | REPEALED |
| 33-504 | VACANCIES ON BOARDS OF TRUSTEES |
| 33-505 | BOARD OF TRUSTEES, DISTRICT NEWLY CREATED |
| 33-511 | MAINTENANCE OF SCHOOLS |
| 33-802 | SCHOOL LEVIES |
| 33-803 | LEVY FOR EDUCATION OF CHILDREN OF MIGRATORY FARM WORKERS |
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33-1103 DEFINITIONS — BONDS — LIMITATION ON AMOUNT — ELECTIONS TO AUTHORIZE ISSUANCE

33-308. EXCISION AND ANNEXATION OF TERRITORY. (1) A board of trustees of any school district, including a specially chartered school district, or one-fourth (1/4) or more of the school district electors residing in an area of not more than fifty (50) square miles within which there is no schoolhouse or facility necessary for the operation of a school district, may petition in writing proposing the annexation of the area to another and contiguous school district.

(2) Such petition shall be in duplicate, one (1) copy of which shall be presented to the board of trustees of the district from which the area is proposed to be excised, and the other to the board of trustees of the district to which the area is proposed to be annexed. The petition shall contain:

- (a) The names and addresses of the petitioners;
- (b) A legal description of the area proposed to be excised from one district and annexed to another contiguous district. Such legal description shall be prepared by a licensed attorney, licensed professional land surveyor, or licensed professional engineer professionally trained and experienced in legal descriptions of real property;
- (c) Maps showing the boundaries of the districts as they presently appear and as they would appear should the excision and annexation be approved;
- (d) The names of the school districts from and to which the area is proposed to be excised and annexed;
- (e) A description of reasons for which the petition is being submitted; and
- (f) An estimate of the number of children residing in the area described in the petition.

(3) The board of trustees of each school district, no later than thirty (30) calendar days after its first regular meeting held subsequent to receipt of the petition, shall transmit the petition, with recommendations, to the state board of education.

(4) The state board of education shall approve the proposal, provided:

- (a) The excision and annexation is in the best interests of the children residing in the area described in the petition; and
- (b) The excision of the territory, as proposed, would not leave a school district with a bonded debt in excess of the limit then prescribed by law.

If either condition is not met, the state board shall disapprove the proposal. The approval or disapproval shall be expressed in writing to the board of trustees of each school district named in the petition.

(5) If the state board of education approves the proposal, it shall be submitted to the school district electors residing in the district from which the area is proposed to be excised and in the district to which the area is proposed to be annexed, at an election held in the manner provided in chapter 14, title 34, Idaho Code. Such election shall be held on the date authorized in section 34-106, Idaho Code, that is nearest to sixty (60) days after the state board approves the proposal.

(6) At the election, there shall be submitted to the electors having the qualifications of electors in a school district bond election:

- (a) The question of whether the area described in the petition shall be excised from school district no. () and annexed to contiguous school district no. (); and
- (b) The question of assumption of the appropriate proportion of any bonded debt, and the interest thereon, of the proposed annexing school district.

(7) In order for a proposal to excise and annex an area to be approved:

- (a) The proposal must be approved by a majority of electors voting in the election in both:
 - (i) The district from which the area is proposed to be excised; and
 - (ii) The district to which the area is proposed to be annexed; and

(b) The electors voting on the question of the assumption of bonded debt and interest have approved such assumption by the proportion of votes cast as is required by section 3, article VIII, of the constitution of the state of Idaho.

(8) If the proposal is approved by the electors in the manner prescribed, the board of canvassers shall promptly notify the state department of education and the affected school districts of such results. The superintendent of public instruction shall make an appropriate order for the boundaries of the affected school districts to be altered, and the legal descriptions of the school districts shall be altered as prescribed in section 33-307, Idaho Code.

History: [S.L. 1963, ch. 13; am. 1998, ch. 244; am. 2009, ch. 107; am. 2009, ch. 341; am. 2010, ch. 215; am. 2020, ch. 288]

33-310. CONSOLIDATION OF SCHOOL DISTRICTS. The boards of trustees of two (2) or more contiguous school districts may submit to the state board of education a plan for the consolidation of their districts into a single new district.

The plan shall contain as a minimum the following, and in addition any other information required by the state board of education:

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(1) A map or maps showing the boundaries of the proposed new district, the boundaries of the component consolidating districts, the location of existing schoolhouses or other facilities of the component districts, the proposed trustee zones, and the proposed transportation routes if any;

(2) A legal description of the boundaries of the proposed new school district and of the trustee zones proposed, with estimates of the population in each such zone;

(3) The assessed value of taxable property of each component consolidating district and of the entire proposed new district;

(4) Outstanding general obligation bonds of any component consolidating district, sinking funds accumulated, and estimated proceeds of sinking fund levies in process of collection;

(5) Whether any component district has established a plant facilities reserve fund, and if so the amount on hand in such fund, the obligations against the fund, and the levy being made for such fund together with estimate of the proceeds of such levy in process of collection;

(6) The amount of any outstanding and unpaid bonds that will become the obligation of the subdistricts, pursuant to section 33-311, *Idaho Code*, after the application of any plant facility reserve funds, pursuant to section 33-901, *Idaho Code*. The plan shall also show for each subdistrict the estimated amount of state subsidies to be received, the estimated bond levy rate and the year in which the last levy will be made;

(7) If a joint district, the designation of the home county;

(8) The official name and number of the proposed new district; and

(9) How the property, real and personal, of former districts shall vest in the new district.

Before submitting any proposal for consolidating school districts to the state board of education, the board of trustees of each proposing district shall first call and cause to be held, within said district, a hearing on the proposal. Notice of the time and place of such hearing shall be given, by each such district, by two (2) publications in a newspaper of general circulation in the district, the first and last publications being not less than six (6) days apart.

At such hearings, any school district elector or taxpayer of the district may appear and be heard, and may request any information from the board of trustees, concerning the proposed consolidation. Records of the hearings shall be entered in the minutes of each board of trustees and shall be included with the plan of proposed consolidation if and when it is submitted to the state board of education.

Following any hearing, it shall be within the discretion of the board of trustees of any proposing district whether it shall further proceed in the plan for consolidating the districts.

History: [S.L. 1963, ch. 13; am. 2007, ch. 79]

33-310A. CONSOLIDATION OF CONTIGUOUS SCHOOL DISTRICTS. In addition to the procedure contained in section 33-310, *Idaho Code*:

A. five per cent (5%) or more of the registered voters from each of two (2) or more contiguous school districts, when such districts coincide with election precincts, or,

B. a number of registered voters equal to fifteen per cent (15%) or more of the aggregate number of votes cast at the last three (3) elections for school trustees in each of the school districts, may petition in writing proposing the consolidation of their districts into a single new district. One (1) copy of such petition shall be presented to the board of trustees of each district included in the proposed consolidation. The petition shall contain:

1. The names and addresses of the petitioners;

2. A map or maps showing the boundaries of the proposed new district, the boundaries of the component consolidating districts, the location of existing schoolhouses or other facilities of the component districts, the proposed trustee zones, and the proposed transportation routes, if any.

When the petitions are received by the boards of trustees, the provisions of section 33-310, *Idaho Code*, shall become mandatory upon the boards so affected. The petitioners shall have the right to cooperate in the formulation of the proposed consolidated school district with the board of trustees of each school district affected thereby. The provisions of section 33-310, *Idaho Code*, shall be complied with and the proposed consolidation together with the testimony given at the public hearings shall be submitted to the state board of education within three (3) months after the first meeting of the combined boards and the petitioners. The first meeting of the combined boards and the petitioners shall be within fifteen (15) days after the petitions are submitted by the petitioners.

History: [S.L. 1970, ch. 86]

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33-310B. FEASIBILITY STUDY AND PLAN FOR CONSOLIDATION. All school districts operating one (1) or more high schools may conduct a feasibility study and prepare a plan for school consolidation, which may also include school district consolidation. The cost of such feasibility studies and plans shall be reimbursed at an amount not to exceed ten thousand dollars (\$10,000) per each school district that proposes to consolidate, in accordance with rules promulgated by the state board of education. The state board of education shall review and act upon all plans for school consolidation.

History: [S.L. 1989, ch. 296; am. 1998, ch. 88; am. 2007, ch. 79]

33-311. PLAN OF CONSOLIDATION SUBMITTED TO ELECTORS. The state board of education may approve or disapprove any plan proposing consolidation, and if it approves the same the department of education shall give notice thereof to the board of trustees of each school district proposing to consolidate and to the board of county commissioners in each county in which the proposed consolidated district would lie. Notice to the board of county commissioners shall include the legal description of the boundaries of the proposed consolidated district and a brief statement of the approved proposal, and shall be accompanied by a map of the proposed consolidated district.

Not more than ten (10) days after receiving the notice from the state department of education, each board of county commissioners receiving such notice shall enter the order calling for an election on the question of approving or disapproving, and shall cause notice of such election to be published. The notice shall be published, the election shall be held and conducted and its results canvassed, in the manner and form of title 34, Idaho Code.

If the qualified school electors of any one (1) district proposing to consolidate, and voting in the election, shall constitute a majority of all such electors voting in the entire area of the proposed consolidated district, the proposed consolidation shall not be approved unless a majority of such electors in such district, voting in the election, and a majority of such electors in each of the remaining districts, voting in the election, shall approve the proposed consolidation.

If the qualified school electors in no one (1) of the districts proposing to consolidate, and voting in the election, constitute a majority of all such electors voting in the entire area of the proposed consolidated district, the proposed consolidation shall not be approved unless a majority of all such electors in each district, voting in the election, shall approve the proposed consolidation.

In any plan of consolidation the existing bonded debt of any district or districts proposing to consolidate, shall not become the obligation of the proposed consolidated school district. The debt or debts shall remain an obligation of the property within the districts proposing the consolidation. Upon voter approval of the proposed consolidation, the districts proposing to consolidate shall become subdistricts of the new district as if they had been created under the provisions of section 33-351, Idaho Code. The subdistricts shall be called bond redemption subdistricts. The powers and duties of such bond redemption subdistricts shall not include authority to incur new indebtedness within the subdistricts.

When a consolidation is approved, as hereinabove prescribed, a new school district is thereby created. The board of canvassers shall thereupon promptly notify the state department of education and the affected school districts of such result. The superintendent of public instruction shall make an appropriate order showing the creation of the district, a legal description of its boundaries, and the legal descriptions of the boundaries of the affected school districts as prescribed in section 33-308, Idaho Code.

History: [S.L. 1963, ch. 13; am. 1985, ch. 237; am. 1989, ch. 296; am. 2009, ch. 107; am. 2009, ch. 341]

33-312. DIVISION OF SCHOOL DISTRICT. A school district may be divided so as to form not more than two (2) districts each of which must have contiguous boundaries, in the manner hereinafter provided, except that any district which operates and maintains a secondary school or schools shall not be divided unless the two (2) districts created out of the division shall each operate and maintain a secondary school or schools immediately following such division.

A proposal to divide a school district may be initiated by its board of trustees and submitted to the state department of education. Such proposal shall contain all of the information required in a proposal to consolidate school districts as may be relevant to a proposal to divide a school district. It shall also show the manner in which it is proposed to divide or apportion the property and liabilities of the district, the names and numbers of the proposed new districts, and legal description of the proposed trustee zones.

Before submitting any proposal to divide a school district, the board of trustees shall hold a hearing or hearings on the proposal within the district. Notice of such hearing or hearings shall be posted by the clerk of the board of trustees in not less than three (3) public places within the district, one (1) of which places shall be at or near the main door of the administrative offices of the school district, for not less than ten (10) days before the date of such hearing or hearings.

The department of education shall present any such proposal to the state board of education, which may approve or disapprove the proposal, and the department of education shall give notice thereof in the manner of a proposal to consolidate school districts; except, that the state board of education shall not approve any proposal which would result in a district to be created by the division having or assuming a bonded debt in an amount exceeding the limitations imposed by law, or which would leave the area of any city in more than one (1) school district.

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If the state board of education shall approve the proposal to divide the district, notice of the election shall be published and the election shall be held subject to the provisions of section 34-106, *Idaho Code*. The election shall be conducted, and the ballots shall be canvassed, according to the provisions of title 34, *Idaho Code*. The division shall be approved only if a majority of all votes cast at said special election by the school district electors residing within the entire existing school district and voting in the election are in favor of the division of such district, and a majority of all votes cast at said special election by the qualified voters within that portion of the proposed new district having a minority of the number of qualified voters, such portion to be determined by the number of votes cast in each area which is a contemplated new district, are in favor of the division of the district, and upon such approval two (2) new school districts shall be thereby created. The organization and division of all school districts which have divided since June 30, 1963, are hereby validated.

If the division is approved, as herein provided, two (2) new school districts are thereby created. The board of canvassers shall thereupon promptly notify the state department of education and the affected school districts of such result. The superintendent of public instruction shall make an appropriate order showing the creation of the districts and a legal description of the boundaries, and the legal descriptions of the affected school districts shall be altered, as prescribed in section 33-307, *Idaho Code*.

History: [S.L. 1963, ch. 13; am. 1963, ch. 175; am. 1965, ch. 272; am. 1969, ch. 152; am. 2009, ch. 107; am. 2009, ch. 341, am. 2011, ch. 151]

33-313. TRUSTEE ZONES. (1) Each elementary school district shall be divided into three (3) trustee zones and each other school district shall be divided into no fewer than five (5) nor more than nine (9) trustee zones according to the provisions of section 33-501, *Idaho Code*. A school district that has had a change in its district boundaries because of consolidation on and after January 1, 2008, shall divide trustee zones so that each former district in the new district shall not be split into different trustee zones, unless the provisions of subsection (2) of this section cannot be satisfied.

(2) Any proposal to define the boundaries of the several trustee zones in each such school district shall include the determination, where appropriate, of the number of trustee zones in such district, and the date of expiration of the term of office for each trustee. The boundaries of the several trustee zones in each such school district shall be defined and drawn so that, as reasonably as may be, each such zone shall have approximately the same population.

(3) Whenever the area of any district has been enlarged by the annexation of all or any part of another district, or by the correction of errors in the legal description of school district boundaries, any such additional territory shall be included in the trustee zone or zones contiguous to such additional territory until such time as the trustee zones may be redefined and changed. Trustee zones may be redefined and changed not more than once every five (5) years in the manner hereinafter provided.

(4) A proposal to redefine and change trustee zones of any district may be initiated by its board of trustees and shall be initiated by its board of trustees at the first meeting following the report of the decennial census, and submitted to the state board of education, or by petition signed by not less than fifty (50) school electors residing in the district, and presented to the board of trustees of the district. Within one hundred twenty (120) days following the decennial census or the receipt of a petition to redefine and change the trustee zones of a district the board of trustees shall prepare a proposal for a change which will equalize the population in each zone in the district and shall submit the proposal to the state board of education. Any proposal shall include a legal description of each trustee zone as the same would appear as proposed, a map of the district showing how each trustee zone would then appear, and the approximate population each would then have, should the proposal to change any trustee zones become effective.

(5) Within sixty (60) days after it has received the said proposal the state board of education may approve or disapprove the proposal to redefine and change trustee zones and shall give notice thereof in writing to the board of trustees of the district wherein the change is proposed. Should the state board of education disapprove a proposal, the board of trustees shall, within forty-five (45) days, submit a revised proposal to the state board of education. Should the state board of education approve the proposal, it shall notify the school district, the trustee zones shall be changed in accordance with the proposal and a copy of the legal description of each trustee zone and map of the district showing how each trustee zone will appear shall be filed by the school district with the county clerk.

(6) At the next regular meeting of the board of trustees following the approval of the proposal the board shall appoint from its membership a trustee for each new zone to serve as trustee until that incumbent trustee's term expires. If the current board membership includes two (2) incumbent trustees from the same new trustee zone, the board will select the incumbent trustee with the most seniority as a trustee to serve the remainder of his term. If both incumbent trustees have equal seniority, the board will choose one (1) of the trustees by the drawing of lots. If there is a trustee vacancy in any of the new zones, the board of trustees shall appoint from the patrons resident in that new trustee zone, a person from that zone

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to serve as trustee until the next annual meeting. At the annual election a trustee shall be elected to serve during the term specified in the election for the zone. The elected trustee shall assume office at the annual meeting of the school district next following the election.

History: [S.L. 1963, ch. 13; am. 1967, ch. 403; am. 1969, ch. 412; am. 1973, ch. 125; am. 1979, ch. 271; am. 1984, ch. 94; am. 1989, ch. 121; am. 1990, ch. 31; am. 1994, ch. 182; am. 2001, ch. 163; am. 2008, ch. 351; am. 2009, ch. 341; am. 2014, ch. 162]

33-317. COOPERATIVE SERVICE AGENCY — POWERS — DUTIES — LIMITATIONS. (1) Two (2) or more school districts may join together for educational purposes to form a service agency to purchase materials and/or provide services for use individually or in combination. The cooperative service agency thus formed shall be empowered to adopt bylaws, and act as a body corporate and politic with such powers as are assigned through its bylaws but limited to the powers and duties of local school districts. In its corporate capacity, this agency may sue and be sued and may acquire, hold and convey real and personal property necessary to its existence. The employees of the service agency shall be extended the same general rights, privileges and responsibilities as comparable employees of a school district. The cooperative service agency may elect to be its own fiscal agent for the purposes of providing an alternative school program, with the concurrence of the school districts for which it provides such services. In doing so the educational support program payments made pursuant to section 33-1002, *Idaho Code*, that would have been distributed to the school district acting as the fiscal agent, shall instead be distributed to the cooperative service agency.

(2) A properly constituted cooperative service agency may request from its member school districts funding to be furnished by a tax levy not to exceed one-tenth of one percent (.1%) for a period not to exceed ten (10) years by such member school districts. Such levy must be authorized by an election held subject to the provisions of section 34-106, *Idaho Code*, and be conducted in each of the school districts pursuant to chapter 14, title 34, Idaho Code, and approved by a majority of the district electors voting in such election. Moneys received by the member school districts from this source shall be transferred to the cooperative service agency upon receipt of billing from the agency. Excess revenue over billing must be kept in a designated account by the district, with accrued interest, and may only be spent as budgeted by the agency.

(3) For the purpose of constructing and maintaining facilities of a cooperative service agency, in addition to the levy authorized in subsection (2) of this section, a properly constituted cooperative service agency may request from its member school districts additional funding to be furnished by a tax levy not to exceed four-tenths of one percent (.4%) for a period not to exceed ten (10) years. Such levy must be authorized by an election held subject to the provisions of section 34-106, *Idaho Code*, and be conducted in each of the school districts pursuant to chapter 14, title 34, Idaho Code, and approved by sixty-six and two-thirds percent (66 2/3%) of the district electors voting in such election. If one (1) or more of the member districts fails to approve the tax levy in such election, the cooperative service agency may construct the facility through the support of the member districts approving the levy, but in no event shall the levy limits authorized in this subsection (3) be exceeded. Nothing shall prevent a member district that initially failed to approve the levy from conducting a subsequent election, held pursuant to section 34-106, *Idaho Code*, to authorize that district's participation in construction of the facility. Electors of the districts may approve continuation of such levy for an additional ten (10) years at an election held for that purpose. There is no limit on the number of elections which may be held for the purpose of continuing the levy authorized under this subsection (3) for an additional ten (10) years. The administration and accounting of moneys received by imposition of the levy shall be the same as provided in subsection (2) of this section.

History: [S.L. 1967, ch. 362; am. 1972, ch. 105; am. 1985, ch. 107; am. 1989, ch. 17; am. 1991, ch. 111; am. 2006, ch. 306; am. 2008, ch. 104; am. 2009, ch. 220; am. 2009, ch. 227; am. 2009, ch. 341]

33-354. INDEBTEDNESS — BOND ISSUES. School subdistricts may incur debt and issue bonds for the same purposes as set forth in section 33-1102, *Idaho Code*. The governing body of a school subdistrict may submit to the qualified electors of the school subdistrict the question of whether the governing body of the school subdistrict shall be empowered to issue negotiable bonds of the school subdistrict in an amount and for a period of time to be named in the notice of election. Notice of the bond election shall be given, the election shall be conducted and the returns thereof canvassed and the qualifications of electors voting or offering to vote shall be as provided in title 34, Idaho Code. The question of the issuance of such bonds shall be approved only if the percentage of votes cast at such election were cast in favor thereof as that which is now, or may hereafter be, set by the constitution of the state of Idaho. All such bonds shall be authorized, issued and sold pursuant to the provisions of sections 33-1107 through 33-1121, *Idaho Code*. No bonds of a school subdistrict may be issued, however, if the issuance of such bonds would cause the percentage of market value for assessment purposes of taxable property within the boundaries of the school subdistrict represented by the aggregate outstanding indebtedness of the school subdistrict, when added to the percentage of the assessed valuation of taxable property represented by the aggregate outstanding indebtedness of the school district within which the school subdistrict lies, to exceed five percent (5%). As used in the preceding sentence

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hereof, “**market value for assessment purposes**,” “**aggregate outstanding indebtedness**” and “**issuance**” shall have the same meanings as set forth in section 33-1103, *Idaho Code*. Upon the approval of the issuance of such bonds, the same may be issued by the governing body of the school subdistrict on behalf of the school subdistrict at any time within two (2) years from the date of such election. Wherever in title 34, *Idaho Code*, and in sections 33-1107 through 33-1121, *Idaho Code*, reference is made to “**school district**”; for purposes of this chapter it shall be deemed to refer to school subdistricts.

History: [S.L. 1986, ch. 61; am. 2009, ch. 341; am. 2013, ch. 183; am. 2014, ch. 260]

33-355. LEVY FOR PLANT FACILITIES RESERVE FUND — ELECTIONS. The governing body of a school subdistrict may call an election in the school subdistrict, pursuant to the provisions of section 33-804, *Idaho Code*, for the purpose of submitting to the qualified school electors of the school subdistrict the question of a levy by a school subdistrict of a school plant facilities reserve fund tax.

History: [S.L. 1986, ch. 61]

33-401. LEGISLATIVE INTENT. The legislature finds that a comprehensive and integrated statutory scheme for the conduct of school elections is critical to the public’s understanding of and confidence in the public school election system. It is therefore the intent of the legislature that the provisions of title 18, *Idaho Code*, and the provisions of title 34, *Idaho Code*, shall be fully applicable and shall govern all school elections. All school elections shall be administered by the clerk of the county wherein the district lies. Elections in a joint school district shall be conducted jointly by the clerks of the respective counties, and the clerk of the home county shall exercise such powers as are necessary to coordinate the election.

History: [S.L. 1982, ch. 60; am. 2009, ch. 341]

33-402. NOTICE REQUIREMENTS. (1) Notice of annual meeting of elementary school districts as provided for in section 33-510, *Idaho Code*, and of intent to discontinue a school, as provided for in section 33-511, *Idaho Code*, and annual budget hearing as provided for in section 33-801, *Idaho Code*, shall be given by posting (2) for not less than ten (10) days, and publishing once in a newspaper as provided in section 60-106, *Idaho Code*, published within the district, or, if there be none, then in a newspaper as provided in section 60-106, *Idaho Code*, published in the county in which such district lies. If more than one (1) newspaper is printed and published in said district or county, then in the newspaper most likely to give best general notice of the election within said district; provided that if no newspaper is published in the said district or county, then in a newspaper as provided in section 60-106, *Idaho Code*, most likely to give best general notice of the election within the district. If a financial emergency has been declared pursuant to section 33-522, *Idaho Code*, the notice of annual meeting and the notice of the annual budget hearing shall be posted pursuant to subsection (2) of this section, for not less than five (5) days, and by such further notice as shall provide reasonable notice to the patrons of the school district if publication in a newspaper is not feasible.

(2) Notices calling for bids for the acquisition, use, or disposal of real and personal property as provided for in section 33-601, *Idaho Code*, and contracting for transportation services as provided for in section 33-1510, *Idaho Code*, shall be given in a newspaper of general circulation as required by chapter 1, title 60, *Idaho Code*, except that the notice for contracting for transportation services shall be made not less than four (4) weeks before the date of opening bids.

(3) Proof of posting notice shall be upon the affidavit of the person posting the same; and proof of publication shall be upon the affidavit of the publisher of the newspaper or newspapers respectively. Such affidavits shall be filed with the board by the clerk responsible for the posting and the publishing of said notice.

History: [S.L. 1963, ch. 13; am. 1972, ch. 93; am. 1978, ch. 65; am. 1979, ch. 130; am. 1982, ch. 60; am. 1985, ch. 235; am. 1992, ch. 187; am. 1997, ch. 40; am. 2005, ch. 213; am. 2007, ch. 166; am. 2009, ch. 171; am. 2009, ch. 341; am. 2011, ch. 151]

33-404. PLACES ELECTIONS TO BE HELD. In elections involving excision and annexation of territory, or the consolidation of school districts, or the division of a school district, each notice of election shall designate that polling places shall be established, as follows:

In an election involving excision and annexation of territory, polling places shall be established pursuant to section 34-302, *Idaho Code*, in the district to which the territory or area is to be annexed; in the territory or area to be annexed; and in the remainder of the school district from which the territory or area is to be excised.

In an election involving consolidation of school districts, polling places shall be established pursuant to section 34-302, *Idaho Code*.

In an election involving the division of a school district, polling places shall be established pursuant to section 34-302, *Idaho Code*.

In any school election held within a joint school district, polling places shall be designated and established pursuant to section 34-302, *Idaho Code*, within such district, in each county.

History: [S.L. 1963, ch. 13; am. 1982, ch. 60; am. 1983, ch. 37; am. 2009, ch. 341]

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33-405. QUALIFICATIONS OF SCHOOL ELECTORS. Any person voting, or offering to vote, in any school election must be, at the time of the election eighteen (18) years of age and a United States citizen who has resided in this state and in the school district at least thirty (30) days next preceding the election in which the elector desires to vote. In the case of election of trustees, the elector must be a resident of the same trustee zone as the candidate or candidates for school district trustees for whom the elector offers to vote for at least thirty (30) days next preceding the election in which the elector desires to vote.

Registration requirements set forth in chapter 4, title 34, Idaho Code, shall be applicable to school elections. The elector may be required to furnish to the election official proof of residence, which proof shall be established by either an Idaho motor vehicle driver's license or any other document definitely establishing the elector's residence within the school district or trustee zone.

History: [S.L. 1963, ch. 13; am. 1969, ch. 177; am. 1970, ch. 37; am. 1970, ch. 136; am. 1971, ch. 25; am. 1982, ch. 60; am. 1985, ch. 257; am. 1987, ch. 256; am. 1989, ch. 88; am. 2009, ch. 341]

33-501. BOARD OF TRUSTEES. (1) Each school district shall be governed by a board of trustees. The board of trustees of each elementary school district shall consist of three (3) members, and the board of trustees of each other school district shall consist of five (5) members. Provided, however, that the board of trustees of any district that has had a change in its district boundaries subsequent to June 30, 1973, may consist of no fewer than five (5) nor more than nine (9) members if such provisions are included as part of an approved proposal to redefine and change trustee zones as provided in section 33-313, Idaho Code. The board of trustees of any district that has had a change in its district boundaries because of district consolidation on and after January 1, 2008, shall consist of five (5) members if two (2) districts consolidated or seven (7) members if three (3) or more districts consolidated. Commencing in 2018, a school district trustee shall be elected for a term of four (4) years beginning at noon on January 1 next succeeding his election.

(2) Each trustee shall at the time of his nomination and election, or appointment, be a school district elector of his district and a resident of the trustee zone from which nominated or appointed. In the event that a vacancy shall be declared as provided in section 33-504, Idaho Code, and the board of trustees is unable to appoint a trustee from the zone vacated after ninety (90) days, the board of trustees may appoint a person at-large from within the boundaries of the school district to serve as the trustee from the zone where the vacancy occurred. When a person is duly elected to a trustee zone and the person is found to no longer reside in the trustee zone due to a change in the trustee zone boundaries, that person shall be allowed to continue serving as a trustee for the remainder of that person's term as long as the person resides at the address used at the time of the election.

(3) Each trustee shall qualify for and assume office on January 1 next following his election, or, if appointed, at the regular meeting of the board of trustees next following such appointment. At the first meeting after a trustee assumes office, an oath of office shall be administered to the trustee, whether elected, reelected or appointed. Said oath may be administered by the clerk, or by another trustee, of the district, and the record shall show such oath of office to have been taken and by whom administered and shall be filed with the official records of the district.

History: [S.L. 1963, ch. 13; am. 1973, ch. 125; am. 1980, ch. 32; am. 2008, ch. 351; am. 2009, ch. 57; am. 2009, ch. 341; am. 2018, ch. 164; am. 2023, ch. 241]

33-502. DECLARATIONS OF CANDIDACY FOR TRUSTEES. Any person legally qualified to hold the office of school trustee, may file a declaration of candidacy for the office, each of which shall bear the name of the candidate, state the term for which declaration of candidacy is made, and bear the signature of not less than five (5) school district electors resident of the trustee zone of which the candidate is resident. The declaration shall be filed with the clerk of the board of trustees of the school district as provided in section 34-1404, Idaho Code.

History: [S.L. 1963, ch. 13; am. 1967, ch. 9; am. 1992, ch. 187; am. 2011, ch. 11]

33-502B. BOARD OF TRUSTEES — ONE NOMINATION — NO ELECTION. In any election for trustees, if, after the expiration of the date for filing written nominations for the office of trustee, it appears that only one (1) qualified candidate has been nominated for a position to be filled or if only one (1) candidate has filed a write-in declaration of intent as provided by section 34-1407, Idaho Code, and has provided to the district's board clerk the signatures of five (5) electors of the candidate's specific zone, then no election shall be held for that position. The board of trustees or the school district clerk, with the written permission of the board, shall declare such candidate elected as a trustee. The school district clerk shall immediately prepare and deliver to the person a certificate of election signed by him and bearing the seal of the district. The procedure set forth in this section shall not apply to any other school district election.

History: [S.L. 1990, ch. 332; am. 1993, ch. 51; am. 1994, ch. 160; am. 2004, ch. 26; am. 2009, ch. 341; am. 2016, ch. 261]

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33-503. ELECTION OF TRUSTEES — UNIFORM DATE. (1) The election of school district trustees including those in charter districts shall be on the Tuesday following the first Monday in November in odd-numbered years. Notice and conduct of the election, and the canvassing of the returns shall be as provided in chapter 14, title 34, Idaho Code. In each trustee zone, the person receiving the greatest number of votes cast within his zone shall be declared by the board of trustees as the trustee elected from that person's zone.

(2) If any two (2) or more persons residing in the same trustee zone have an equal number of votes and a greater number than any other nominee residing in that zone, then the board of trustees shall determine the winner by a toss of a coin.

(3) Incumbent trustees as of the effective date of this act shall have their terms expire on January 1 following the November election of their successors.

History: [S.L. 1963, ch. 13; am. 1973, ch. 97; am. 1975, ch. 181; am. 2009, ch. 341; am. 2015, ch. 248; am. 2018, ch. 164; am. 2019, ch. 288]

33-503A. [REPEALED - AM. 2015, ch. 12]

33-504. VACANCIES ON BOARDS OF TRUSTEES.

(1)(a) A vacancy shall be declared by the board of trustees when any nominee has been elected but has failed to qualify for office, or within thirty (30) days of when any trustee:

- (i) Dies;
- (ii) Resigns as trustee;
- (iii) Removes himself from his trustee zone of residence;
- (iv) Is no longer a resident or school district elector of the district;
- (v) Refuses to serve as trustee; or
- (vi) Without excuse acceptable to the board of trustees, fails to attend four (4) consecutive regular meetings of the board.

(b) A vacancy shall exist when any trustee is recalled and discharged from office in accordance with section 34-1712, Idaho Code. Such vacancy shall occur at the time of certification of the special recall election and does not require the board of trustees to declare that a vacancy exists. Notwithstanding sections 34-1709 and 34-1712, Idaho Code, between the time of the special recall election and when the results of the special recall election are proclaimed, the trustee subject to the special recall election shall not be permitted to participate in any actions that would alter the structure of the board of trustees or create new contractual or financial obligations for the school district.

(2) With the exception of recall, any declaration of vacancy shall be made at any regular or special meeting of the board of trustees, at which any of the conditions provided in subsection (1)(a) of this section are determined to exist.

(3) The board of trustees shall appoint to such vacancy a person qualified to serve as trustee of the school district provided there remains in membership on the board of trustees a majority of the membership thereof, and the board shall notify the state superintendent of public instruction of the appointment. Such appointment shall be made within ninety (90) days of the declaration of vacancy. After ninety (90) days, if the board of trustees is unable to appoint a trustee from the zone vacated, the board of trustees may appoint a person at large from within the boundaries of the school district to serve as the trustee from the zone where the vacancy occurred. Otherwise, after one hundred twenty (120) days from the declaration of vacancy, appointments shall be made by the board of county commissioners of the county in which the district is situated, or of the home county if the district be a joint district.

(4) Any person appointed as provided in subsection (3) of this section shall serve for the balance of the unexpired term of the office that was declared vacant and filled by appointment.

History: [33-504, added 1963, ch. 13; am. 1975, ch. 181; am. 1984, ch. 94; am. 1986, ch. 348; am. 1987, ch. 141; am. 2009, ch. 57; am. 2009, ch. 341; am. 2024, ch. 219]

33-505. BOARD OF TRUSTEES, DISTRICT NEWLY CREATED. (1) Within ten (10) days after the entry of any order creating a new school district by the consolidation of districts or parts thereof, the trustees of all school districts involved in the consolidation shall meet at the call of the state superintendent of public instruction or his designee and, from their number, shall select a board of trustees of the new district representing each of the merged districts in an equal number to serve as follows: if two (2) districts consolidated, one (1) member representing the board of trustees of each district shall serve until the annual election of trustees next following; one (1) member representing the board of trustees of each district shall serve until the annual election the following year; and one (1) member appointed by the other four (4) members shall serve until the annual election in the year after that. If three (3) or more districts consolidated, three (3) members shall serve until the annual election of trustees next following; three (3) members shall serve until the annual election the following year; and one (1) member appointed by the other six (6) members shall serve until the annual election in the

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year after that. If the number of merged districts is greater than three (3), the superintendent of public instruction shall appoint as equally as possible from trustees of the previous districts so that each district, if possible, has representation on the consolidated district's board of trustees. The superintendent shall stagger the terms of his appointments so that an equal number of appointees' terms expire annually and those trustees shall sit for election. Thereafter, all trustees who are elected shall serve terms as provided in section 33-501, *Idaho Code*, for a board of trustees of a school district. The board of trustees shall report the names of said trustees to the state board of education. The board of trustees of the newly consolidated school district shall expeditiously redraw the trustee zones pursuant to section 33-313, *Idaho Code*.

(2) The state board of education, at its first meeting next following receipt of notice of the creation of new school districts by the division of a district, shall appoint a board of trustees for each such new district, to serve until January 1 following the next election for school district trustees.

(3) Boards of trustees selected or appointed as in this section provided shall forthwith meet and organize as provided in section 33-506, *Idaho Code*, and thereupon the board of trustees of any district, the whole of which has been incorporated within the new district, or which was divided as the case may be, shall be dissolved and its powers and duties shall cease. Prior to the notice of annual election of trustees next following, the board of trustees of each school district created by consolidation or by division of districts shall determine by lot or by agreement from which of the trustee zones the trustees therefor shall be elected. Thereafter each trustee shall be elected for a term of four (4) years.

History: [S.L. 1963, ch. 13; am. 2008, ch. 351; am. 2009, ch. 341, am. 2018, ch. 164]

33-511. MAINTENANCE OF SCHOOLS. The board of trustees of each school district shall have the following powers and duties:

(1) Each elementary school district shall maintain at least one (1) elementary school, and each other school district shall maintain at least one (1) elementary school and one (1) secondary school;

(2) To employ necessary help and labor to maintain and operate the schools of the district;

(3) To discontinue any school within the district whenever it shall find such discontinuance to be in the best interests of the district and of the pupils therein. For the purposes of this section, discontinuing a school shall mean no longer maintaining a school of any kind, at the same location, except in the case of secondary units as herein provided.

(a) When any school proposed to be discontinued is one which was operated and maintained by a former district now wholly incorporated within the boundaries of the district operated by said board of trustees, and, immediately following reorganization and the dissolution of said former district, such school has been continuously operated and maintained at the same location by the presently organized district, the following procedures shall apply before discontinuing a school:

(i) The board of trustees must first give notice of such proposal not later than the first day of June next preceding the date of the proposed discontinuance. Such notice shall be posted, and published once, in the manner provided in section 33-402, *Idaho Code*, and shall identify the school proposed to be discontinued.

(ii) If, not later than the first day of July following the posting and publishing of the notice of discontinuance, five (5) or more qualified school district electors residing within the school district shall petition the board of trustees for an election to be held within the school district on the question of discontinuance of that school, the board of trustees shall immediately order an election to be held on the first available election date provided by section 34-106(7), *Idaho Code*, that is at least fifty (50) days following the date of said order and shall give notice of the election.

(iii) Notice of such election shall be posted at or near the main door of the school proposed to be discontinued and at or near the main door of the administrative offices of the school district and shall also be published in one (1) issue of a newspaper printed in the county in which is situate the school proposed to be discontinued. The notice shall state the date the election is to be held, the place of voting, and the hours between which the polls shall be open. In addition, the notice of election shall describe the area of the particular attendance unit of the school district and shall identify the school proposed to be discontinued; and it shall state that only qualified school district electors residing within the school district may vote on the question of discontinuing the school.

(iv) The election shall be held within the school district and there shall be submitted to the electors a ballot containing the proposal:

1. For discontinuing the school located at....,

2. Against discontinuing the school located at....

(v) If a majority of the qualified electors, as defined in this section and voting in the election, shall vote against discontinuing that school, then said school shall not be discontinued; and no proposal to discontinue the same school shall be made by the board of trustees of the district within nine (9) months after the date of the election.

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(vi) If a secondary unit which the trustees of a district propose to close is more than thirty (30) miles by all-weather road from the attendance unit to which it is proposed to transfer such students, then, notwithstanding other provisions of this section, five (5) electors residing within the attendance area of the unit proposed to be closed may, as provided by this section, petition the board of trustees requesting an election to determine whether or not such attendance unit, or any portion of it, shall be closed. The board shall immediately call and hold an election as herein provided. However, for the purpose of this section relating to the secondary attendance unit thirty (30) miles or more distant from another secondary attendance unit, only the patrons resident in this attendance area shall be eligible to vote, except for attendance units, or portions of them, created after January 1, 2002, in which case qualified school district electors throughout the school district shall be eligible to vote. The election shall be deemed passed and the unit shall not be closed if a majority of those voting in the election vote in favor of retaining the attendance unit.

(b) The provisions of paragraph (a) of this subsection shall not apply when:

(i) The administrator of the division of occupational and professional licenses has determined that the school constitutes an imminent public safety hazard and has issued an order or notice requiring the school district superintendent, principal, board member or other person in charge to cause all persons, except those necessary to eliminate the condition, to be withdrawn from and to be restrained from entering the school, pursuant to section 39-8008, *Idaho Code*; and

(ii) The school district board of trustees have voted at a public meeting to discontinue the school.

History: [S.L. 1963, ch. 13; am. 1967, ch. 366; am. 1973, ch. 5; am. 2000, ch. 424; am. 2002, ch. 317; am. 2011, ch. 125; am. 2011, ch. 151; am. 2021, ch. 325; am. 2023, ch. 15]

33-802. SCHOOL LEVIES. Any tax levied for school purposes shall be a lien on the property against which the tax is levied. The board of trustees shall determine the levies upon each dollar of taxable property in the district for the ensuing fiscal year as follows:

(1) Bond, Interest and Judgment Obligation Levies. Such levies as shall be required to satisfy all maturing bond, bond interest, and judgment obligations.

(2) Budget Stabilization Levies. School districts not receiving state equalization funds in fiscal year 2006 may authorize a budget stabilization levy for calendar year 2006 and each year thereafter. Such levies shall not exceed the difference between the amount of equalized funds that the state department of education estimates the school district will receive in fiscal year 2007, based on the school district's fiscal year 2006 reporting data, and the combined amount of money the school district would have received from its maintenance and operation levy and state property tax replacement funds in fiscal year 2007 under the laws of the state of Idaho as they existed prior to amendment by the first extraordinary session of the fifty-eighth Idaho legislature. The state department of education shall notify the state tax commission and affected counties and school districts of the maximum levy amounts permitted, by no later than September 1, 2006.

(3) Supplemental Maintenance and Operation Levies. No levy in excess of the levy permitted by this section shall be made by a noncharter district unless such a supplemental levy in a specified amount and for a specified time not to exceed two (2) years be first authorized through an election held subject to the provisions of section 34-106, *Idaho Code*, and pursuant to title 34, *Idaho Code*, and approved by a majority of the district electors voting in such election. A levy approved pursuant to this subsection may be reduced by a majority vote of the board of trustees in the second year.

(4) Charter District Supplemental Maintenance and Operation. Levies pursuant to the respective charter of any such charter district shall be first authorized through an election held subject to the provisions of section 34-106, *Idaho Code*, and pursuant to title 34, *Idaho Code*, and approved by a majority of the district electors voting in such election.

(5) The board of trustees of any school district that has, for at least seven (7) consecutive years, been authorized through an election held to certify a supplemental levy that has annually been equal to or greater than twenty percent (20%) of the total general maintenance and operation fund, may submit the question of an indefinite term supplemental levy to the electors of the school district. Such question shall clearly state the dollar amount that will be certified annually and that the levy will be for an indefinite number of years. The question must be approved by a majority of the district electors voting on the question in an election held subject to the provisions of section 34-106, *Idaho Code*, and pursuant to title 34, *Idaho Code*. The levy approved pursuant to this subsection may be reduced by a majority vote of the board of trustees during any fiscal year.

(6) A charter district may levy for maintenance and operations if such authority is contained within its charter. In the event property within a charter district's boundaries is contained in a revenue allocation area established under chapter 29, title 50, *Idaho Code*, and such revenue allocation area has given notice of termination thereunder, then, only for the

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purpose of determining the levy described in this subsection, the district may add the increment value, as defined in section 50-2903, *Idaho Code*, to the actual or adjusted market value for assessment purposes of the district as such value existed on December 31 of the previous year.

History: [S.L. 1963, ch. 13; am. 1963, ch. 422; am. 1970, ch. 61; am. 1973, ch. 296; am. 1979, ch. 254; am. 1980, ch. 390; am. 1981, ch. 224; am. 1983, ch. 235; am. 1987, ch. 52; am. 1987, ch. 273; am. 1988, ch. 344; am. 1989, ch. 8; am. 1991, ch. 313; am. 1995, ch. 26; am. 1996, ch. 322; am. 2005, ch. 191; am. 2006, ch. 1; am. 2009, ch. 341]

33-803. LEVY FOR EDUCATION OF CHILDREN OF MIGRATORY FARM WORKERS. In any school district in which there is located any farm labor camp and the children of migratory farm workers housed therein attend the schools of the district, the board of trustees may make a levy not exceeding one-tenth of one percent (.1%) of the market value for assessment purposes on all taxable property within the district, in addition to any other levies authorized by law, for the cost of educating such children.

Whenever the aggregate of the levy herein authorized and other levies made for maintenance and operation of the district shall exceed six-tenths of one percent (.6%) of the market value for assessment purposes on all taxable property within the district, the levy authorized by this section must be approved by the school district electors at a tax levy election held for that purpose. Notice of such election shall be given, the election shall be conducted, and the returns thereof made, as provided in title 34, *Idaho Code*; and the question shall be approved only if a majority of the qualified electors voting at such election vote in favor thereof.

History: [S.L. 1963, ch. 13; am. 1995, ch. 82; am. 2009, ch. 341]

33-804. SCHOOL PLANT FACILITIES RESERVE FUND LEVY. In any school district in which a school plant facilities reserve fund has been created, either by resolution of the board of trustees or by apportionment to new districts according to the provisions of section 33-901, *Idaho Code*, to provide funds therefor the board of trustees shall submit to the qualified school electors of the district the question of a levy not to exceed four-tenths of one percent (.4%) of market value for assessment purposes in each year, as such valuation existed on December 31 of the previous year, for a period not to exceed ten (10) years.

The question of a levy to be submitted to the electors of the district and the notice of such election shall state the dollar amount proposed to be collected each year during the period of years in each of which the collection is proposed to be made, the percentage of votes in favor of the proposal which are needed to approve the proposed dollar amount to be collected, and the purposes for which such funds shall be used. Said notice shall be given, the election shall be held subject to the provisions of section 34-106, *Idaho Code*, and conducted and the returns canvassed as provided in title 34, *Idaho Code*; and the dollar amount to be collected shall be approved only if:

1. Fifty-five percent (55%) of the electors voting in such election are in favor thereof if the levy will result in a total levy for school plant facilities and bonded indebtedness of less than two-tenths of one percent (.2%) of market value for assessment purposes as such valuation existed on December 31 of the year immediately preceding the election;
2. Sixty percent (60%) of the electors voting in such election are in favor thereof if the levy will result in a total levy for school plant facilities and bonded indebtedness of two-tenths of one percent (.2%) or more and less than three-tenths of one percent (.3%) of market value for assessment purposes as such valuation existed on December 31 of the year immediately preceding the election; or
3. Two-thirds (2/3) of the electors voting in such election are in favor thereof if the levy will result in a total levy for school plant facilities and bonded indebtedness of three-tenths of one percent (.3%) or more of market value for assessment purposes as such valuation existed on December 31 of the year immediately preceding the election.

If the question be approved, the board of trustees may make a levy, not to exceed four-tenths of one percent (.4%) of market value for assessment purposes as such valuation existed on December 31 of the previous year, in each year for which the collection was approved, sufficient to collect the dollar amount approved and may again submit the question at the expiration of the period of such levy, for the dollar amount to be collected during each year, and the number of years which the board may at that time determine. Or, during the period approved at any such election, if such period be less than ten (10) years or the levy be less than four-tenths of one percent (.4%) of market value for assessment purposes as such valuation existed on December 31 of the previous year, the board of trustees may submit to the qualified school electors in the same manner as before, the question whether the number of years, or the levy, or both, be increased, but not to exceed the maximum herein authorized. If such increase or increases be approved by the electors, the terms of such levy shall be in lieu of those approved in the first instance, but disapproval shall not affect any terms theretofore in effect.

Any bonded indebtedness incurred in accordance with the provisions of section 33-1103, *Idaho Code*, subsequent to the approval of a plant facilities reserve fund levy shall not affect the terms of that levy for any time during which such levy is in effect.

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4. In any fiscal year in which the state department of education certifies that the statewide per support unit funding for salary-based apportionment and discretionary funds has decreased, in the aggregate, from the prior fiscal year, the board of trustees of any school district with a previously approved plant facilities levy may submit to the qualified electors of the school district the question of converting a previously approved plant facilities levy to a supplemental levy, subject to the following:

- (a) The term of the supplemental levy shall not exceed the lesser of two (2) years or the remaining term on the previously approved plant facilities levy; and
- (b) The first tax year of conversion shall be the one in which the revenues collected will accrue to the fiscal year in which the state department of education certifies that the condition stated in subsection 4. of this section exists; and
- (c) Up to one hundred percent (100%) of the previously approved plant facilities levy amount may be converted; and
- (d) Conversion of a plant facilities levy to a supplemental levy shall not affect any other supplemental levy; and
- (e) The question to be submitted to the electors of the district and the notice of such election shall state the dollar amount proposed to be converted each year, the number of years to be converted, the percentage of the plant facilities levy that is proposed for conversion, and the purposes for which such funds shall be used; and
- (f) Prior to January 1, 2011, the election notice shall be given, the election shall be conducted and the returns canvassed as provided in chapter 4, title 33, Idaho Code. On and after January 1, 2011, the election notice shall be given, the election shall be held subject to the provisions of section 34-106, Idaho Code, and conducted and the returns canvassed as provided in title 34, Idaho Code; and
- (g) The dollar amount to be converted and collected shall be approved only if a majority of the electors voting in the election are in favor; and
- (h) Upon expiration of the term of conversion, the supplemental levy shall revert to the previously approved plant facilities levy for any approved years remaining on the balance of its term; and
- (i) Any years in which a previously approved plant facilities levy is converted to a supplemental levy pursuant to this subsection shall count against the years for which the plant facilities levy was approved; and
- (j) If a majority of the electors voting in the election fail to vote in favor, the previously approved plant facilities levy shall not be affected.

History: [S.L. 1963, ch. 13; am. 1970, ch. 115; am. 1975, ch. 220; am. 1979, ch. 254; am. 1992, ch. 276; am. 1994, ch. 299; am. 1996, ch. 322; am. 2009, ch. 341; am. 2010, ch. 326, am. 2011, ch. 299]

33-1103. DEFINITIONS — BONDS — LIMITATION ON AMOUNT — ELECTIONS TO AUTHORIZE ISSUANCE. (1)

For the purposes of this chapter the following definitions shall have the meanings specified: “**Market value for assessment purposes**” means the amount of the last preceding equalized assessment of all taxable property and all property exempt from taxation pursuant to section 63-602G, Idaho Code, within the school district on the tax rolls completed and available as of the date of approval by the electorate in the school bond election. “**Aggregate outstanding indebtedness**” means the total sum of unredeemed outstanding bonds, minus all moneys in the bond interest and redemption fund or funds accumulated for the redemption of such outstanding bonds, and minus the sum of all taxes levied for the redemption of such bonds, with the exception of that portion of such tax levies required for the payment of interest on bonds, which taxes remain uncollected. “**Issue,**” “**issued,**” or “**issuance**” means a formal delivery of bonds to any purchaser thereof and payment therefor to the school district.

(2) The board of trustees of any school district, upon approval of a majority thereof, may submit to the qualified school district electors of the district the question as to whether the board shall be empowered to issue negotiable coupon bonds of the district in an amount and for a period of time to be named in the notice of election.

(3) An elementary school district which employs not less than six (6) teachers, or a school district operating an elementary school or schools, and a secondary school or schools, or issuing bonds for the acquisition of a secondary school or schools, may issue bonds in an amount not to exceed five percent (5%) of the market value for assessment purposes thereof, less the aggregate outstanding indebtedness; and no other school district shall issue bonds in an amount to exceed at any time two percent (2%) of the market value for assessment purposes thereof less the aggregate outstanding indebtedness. The market value for assessment purposes, the aggregate outstanding indebtedness and the unexhausted debt-incurring power of the district shall each be determined as of the date of approval by the electors in the school bond election.

(4) Notice of the bond election shall be given, the election shall be conducted and the returns thereof canvassed, and the qualifications of electors voting or offering to vote shall be, as provided in title 34, Idaho Code.

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(5) The question shall be approved only if the percentage of votes cast at such election were cast in favor thereof is that which now, or may hereafter be, set by the constitution of the state of Idaho. Upon such approval of the issuance of bonds, the same may be issued at any time after the date of such election.

History: [S.L. 1963, ch. 13; am. 1973, ch. 282; am. 1974, ch. 4; am. 1975, ch. 88; am. 1979, ch. 114; am. 1979, ch. 254; am. 1980, ch. 205; am. 1980, ch. 350; am. 1996, ch. 322; am. 2001, ch. 336; am. 2007, ch. 358; am. 2008, ch. 400; am. 2009, ch. 341; am. 2014, ch. 357]