

TITLE 70
WATERCOURSES AND PORT DISTRICTS

CHAPTER 12
PORT DISTRICTS -- ELECTION OF PORT COMMISSIONERS

70-1201. COMMISSIONERS -- COMMISSIONER DISTRICTS. The powers of the port district shall be exercised through a port commission consisting of three (3) members, one (1) from each of the three (3) county commissioner districts of the county in which the port district is located, when the boundaries of the port district are co-extensive with the boundaries of such county. When the port district comprises only a portion of a county, three (3) commissioner districts, numbered consecutively, having approximately equal population and with boundaries following county precinct lines, shall be described in the petition for the formation of the port district, and one (1) commissioner shall be elected from each of said commissioner districts. Any port district may, after formation, be redistricted in the original county of formation as in this act provided.

[70-1201, added 1969, ch. 55, sec. 14, p. 144.]

70-1202. COMMISSIONERS -- QUALIFICATIONS. No person shall be eligible to hold the office of port commissioner unless he is a qualified elector of the state of Idaho and a resident of the district from which he is seeking office.

[70-1202, added 1969, ch. 55, sec. 15, p. 144.]

70-1203. COMMISSIONERS -- FIRST ELECTION. At the same election at which the proposition is submitted to the voters as to whether a port district shall be formed, three (3) commissioners shall be elected to hold office, respectively for the terms of two (2), four (4) and six (6) years. All candidates at the formation election shall be voted upon by the entire port district, and the candidate residing in commissioner district number one (1) receiving the highest number of votes shall hold office for the term of six (6) years; and the candidate residing in commissioner district number two (2) receiving the highest number of votes shall hold office for the term of four (4) years; and the candidate residing in commissioner district number three (3) receiving the highest number of votes shall hold office for the term of two (2) years. In all subsequent elections in the county of original formation, the port commissioners shall likewise be elected at large within that area of such county embracing the port district.

[70-1203, added 1969, ch. 55, sec. 16, p. 144.]

70-1204. COMMISSIONERS -- COMMENCEMENT OF TERM. The terms of all commissioners elected under any section of this chapter shall date from the first day in January following the general election at which they were elected, if elected at a general election, or if elected at other than a general election on the date specified in the certificate of election.

[70-1204, added 1969, ch. 55, sec. 17, p. 144; am. 1995, ch. 118, sec. 102, p. 510.]

70-1205. COMMISSIONERS FOR ANNEXED AREA -- ORIGINAL COUNTY. No additional commissioner shall be elected to represent any annexed area of the county in which the port district was formed, but the port district within

such county shall, after each such annexation, be redistricted as in this act provided.

[70-1205, added 1969, ch. 55, sec. 18, p. 144.]

70-1206. COMMISSIONERS FOR ANNEXED AREA OF ADJACENT COUNTY. At the same election at which a proposition for annexation of land to an existing district is submitted to vote, if the area to be annexed includes land in a county or counties other than the county in which the original port district exists, one (1) commissioner shall be elected by the voters in such area within the adjacent county or counties to represent such area in case such annexation shall be accomplished as a result of such election. Such commissioner shall hold office for a term of six (6) years and until his successor is elected and qualified. Such commissioner and his successor shall be elected by vote only of the residents of that portion of such county or counties lying within such port district. Such commissioner shall have the same qualifications as herein provided for other commissioners of the district, and shall be a resident of such area. If the annexation shall be accomplished, the port commission shall thereafter consist of the three (3) commissioners of the original port district and the commissioner for such adjacent county or counties. In like manner, in the event of any subsequent annexations, a commissioner having the qualifications herein set forth shall be elected to serve for a six (6) year term as commissioner for such adjacent county or counties, and the port commission shall be expanded to include the commissioner from each such annexed area; provided, that a port commission shall never exceed five (5) commissioners and no commissioner shall be elected to represent any area annexed to any port commission already having, or being authorized by law to have, five (5) commissioners.

[70-1206, added 1969, ch. 55, sec. 19, p. 144.]

70-1207. SUBSEQUENT COMMISSIONERS -- TERM OF OFFICE. Commissioners elected subsequent to the formation and/or annexation election shall hold office for a period of six (6) years and until their respective successors are elected and qualified.

[70-1207, added 1969, ch. 55, sec. 20, p. 144.]

70-1208. COMMISSIONERS -- ELECTIONS AFTER FORMATION. A general election for election of a port commissioner or commissioners and for the submission to vote of any propositions or proposals shall be held biennially in conjunction with the general county elections in the county of original formation, and at the appropriate times subject to the provisions of section 34-106, Idaho Code, in all annexed counties.

[70-1208, added 1969, ch. 55, sec. 21, p. 144; am. 1995, ch. 118, sec. 103, p. 510.]

70-1209. FORMATION OR ANNEXATION BETWEEN GENERAL ELECTIONS -- ELECTION OF SUBSEQUENT COMMISSIONERS. If any formation or annexation election be held, subject to the provisions of section 34-106, Idaho Code, at any time other than at the time of a general election, then there shall be no election held on the next subsequent general election following the creation of, or annexation to, such port district, as to the commissioners elected at such formation and/or annexation election.

[70-1209, added 1969, ch. 55, sec. 22, p. 144; am. 1995, ch. 118, sec. 104, p. 510.]

70-1210. ELECTION PROCEDURE -- SUPPLIES. Such general election shall be conducted by the county clerk according to the provisions of chapter 14, title 34, Idaho Code.

[70-1210, added 1969, ch. 55, sec. 23, p. 144; am. 1995, ch. 118, sec. 105, p. 510; am. 2009, ch. 341, sec. 155, p. 1075.]

70-1211. ELECTIONS -- VOTER QUALIFICATIONS. All electors who are, at the time of any port district election, residents of such district and duly qualified to vote within their respective precincts under the general election laws for state and county officers, shall be deemed qualified electors in said port district, but only as to commissioners representing the port area within the county of their residence, and as to propositions to be voted on within such area within their county of residence.

[70-1211, added 1969, ch. 55, sec. 24, p. 144.]

70-1212. ELECTIONS -- NOMINATING PETITIONS. Nominations for port commissioners at the formation election, at any annexation elections, and for all general elections shall be by petition of not less than five (5) qualified electors of the commissioner district of which the candidate is a resident, and shall be filed in the office of the county clerk of the county in which such commissioner district is situate, in accordance with the provisions of section 34-1404, Idaho Code.

In any election for commissioner, if after the deadline for filing a declaration of intent as a write-in candidate, it appears that only one (1) qualified candidate has been nominated for a commissioner position, it shall not be necessary for the candidate to stand for election, and the port commission shall declare such candidate elected as a commissioner, and the secretary of the commission shall immediately make and deliver to such person a certificate of election.

[70-1212, added 1969, ch. 55, sec. 25, p. 144; am. 1995, ch. 118, sec. 106, p. 510.]

70-1213. PRIMARY ELECTIONS. In the event valid nominating petitions for more than two (2) candidates remain on file for the office of port district commissioner in any commissioner district after the last day for withdrawal of candidacy, the county clerk shall conduct a port district primary at the same time he conducts the county primary election. At all such nominating elections, the nomination of candidates shall be nonpartisan, and the ballot, or portion of ballot, to be used for such nominating election shall be designated "Port District Nominating Ballot, Port of . . ." (inserting the name of the appropriate port district), and such ballot shall not have upon it any political party designation nor statement of any affiliation whatever of any candidate named thereon. In the event no more than two (2) such nominating petitions remain on file for the office of port district commissioner in any port commissioner district after the last day for withdrawal of candidacy, the county clerk shall not conduct such port district primary, but shall cause the name of such candidates to be printed upon the port district ballot for the general election only. Such general election ballot, or portion of the ballot for use in such port election, shall be designated "Official Ballot, Port of . . ." (inserting therein the name of such port district), and shall contain no political party designation nor statement of any affiliation whatsoever of any candidate named thereon.

In the event a primary election is conducted for the office of port district commissioner, the name of the person who receives the greatest number of votes and of the person who receives the second greatest number of votes for each commissioner district, shall appear upon the port district general election ballot under the designation for each respective office. Names of candidates printed on the district primary and general election ballots shall be rotated, as nearly as may be, in the same manner as are names of candidates under the election laws of this state relating to the election of county officers.

Any port commissioner may be recalled in accordance with the statutory provisions for the recall of county officers then in effect; provided, however, that only voters residing within and qualified to vote within the port district may vote at any such recall election.

[70-1213, added 1969, ch. 55, sec. 26, p. 144.]

70-1214. GENERAL ELECTIONS -- SUBMISSION OF PROPOSITIONS OR PROPOSALS. In the event the port commissioners shall determine to submit any propositions or proposals to the voters at any such general election, the president and secretary of such port district, shall, within sixty (60) days prior to said general election, certify to the county clerk of each county in which said port district exists, or in which such proposition or proposal is to be submitted, a statement of the propositions or proposals to be submitted, in the form the same are to be placed upon the port district ballot, and the county clerk shall cause to be placed upon the port district ballot, following the names of the candidates to be voted upon at such election, the statement of the propositions or proposals to be voted upon together with appropriate spaces for voting for or against such propositions or proposals.

[70-1214, added 1969, ch. 55, sec. 27, p. 144.]

70-1215. ADDITIONAL ELECTIONS. Additional elections within any port district may be held at such times and for the submission of such propositions or proposals as the port commission may by resolution prescribe, subject to the limitations provided in section 34-106, Idaho Code. Such elections shall be conducted by the county clerk in accordance with the general election laws of the state, including chapter 14, title 34, Idaho Code.

[70-1215, added 1969, ch. 55, sec. 28, p. 144; am. 1995, ch. 118, sec. 107, p. 511; am. 2009, ch. 341, sec. 156, p. 1075.]

70-1217. ADDITIONAL ELECTIONS -- POLLING PLACES. For such additional elections, there shall be not less than one (1) polling place within each port commissioner district. It shall be the duty of the county commissioners at least twenty (20) days before all special elections, to designate by resolution the polling places for such special election, and the county clerk shall appoint election officials for each polling place.

[70-1217, added 1969, ch. 55, sec. 30, p. 144; am. 1995, ch. 118, sec. 108, p. 511; am. 2009, ch. 341, sec. 157, p. 1075.]

70-1218. ADDITIONAL ELECTIONS -- REGISTRATION BOOKS. As provided in section 34-1402, Idaho Code, the county clerk of any county in which a port district is located shall maintain the register of electors and make such register available to the election officials of the port district.

[70-1218, added 1969, ch. 55, sec. 31, p. 144; am. 1995, ch. 118, sec. 109, p. 511.]

70-1219. ELECTIONS -- CANVASS OF VOTE. The returns of all port district elections shall be canvassed by the county commissioners, who shall meet and proceed to canvass the same in accordance with the provisions of chapter 12, title 34, Idaho Code, and shall thereupon declare the results.

[70-1219, added 1969, ch. 55, sec. 32, p. 144; am. 2009, ch. 341, sec. 158, p. 1076.]

70-1220. ELECTIONS -- EXPENSES. All expenses of elections for the formation of a port district and annexations thereto, and any other port district elections, shall be paid by the county or counties holding such election, and such expenditure is hereby declared to be for a county purpose.

[70-1220, added 1969, ch. 55, sec. 33, p. 144; am. 2009, ch. 341, sec. 159, p. 1076.]