



STATE OF IDAHO
OFFICE OF THE SECRETARY OF STATE
BEN YSURSA

May 1, 2012

Susan Weathers
Coeur d'Alene City Clerk
710 East Mullan
Coeur d'Alene, ID 83816

Cliff Hayes
Kootenai County Clerk
P.O. Box 9000
Coeur d'Alene, ID 83816

Dear Susan and Cliff,

Pursuant to § 34-201, Idaho Code, it is the Secretary of State's responsibility to provide interpretations of the election laws:

"The secretary of state is the chief election officer of this state, and it is his responsibility to obtain and maintain uniformity in the application, operation and interpretation of the election laws. . . ."

In that capacity, I have reviewed the different interpretations of § 34-1704, Idaho Code, in regard to the application of the 75 day time frame with regard to the collection of recall petition signatures. Specifically, I have reviewed this section of the Code to determine whether the county clerk's certification time is included in that 75 day time frame.

Though reasonable minds could differ, it is my interpretation that the "certified signatures" can have only one meaning, i.e., signatures that have been certified by the County Clerk pursuant to § 34-1706, Idaho Code (and its reference to § 34-1807, Idaho Code).

The word "certify" was included in the 1972 revision of § 34-1706, Idaho Code, and was repealed and replaced in 2004 with reference to § 34-1807, Idaho Code, (the initiative statute) which contains the form of the certificate the County Clerk uses to "certify" signatures.

Therefore, pursuant to § 34-1704, Idaho Code, the recall petition must be perfected with the required number of certified signatures within 75 days following the date of approval as to form. It is my understanding that the deadline for the Coeur d'Alene recall is June 19, 2012.

Please be advised that this letter is an interpretation of the election law issued under the authority of § 34-201, Idaho Code, and is an affirmation of the letter sent to Susan Weathers, Coeur d'Alene City Clerk on April 18, by Tim Hurst, my Chief Deputy.

Please contact my office if you are in need of further clarification.

Sincerely,

A handwritten signature in black ink that reads "Ben Ysursa". The signature is written in a cursive, flowing style.

BEN YSURSA
Idaho Secretary of State

BY/lm