STATE OF IDAHO
OFFICE OF THE SECRETARY OF STATE
BEN YSURSA

April 18, 2012

Susan K. Weathers
Coeur d'Alene City Clerk
710 East Mullan
Coeur d'Alene, Idaho 83816

Re: Deadline for Submission of Recall Petitions

Dear Susan,

Thank you for sending me a copy of your correspondence with Mr. Orzell regarding your interpretation of the deadline for submission of petitions in the proposed recall of the mayor and members of the city council in Coeur d'Alene.

I have reviewed them with Secretary Ysursa and with the Attorney General's Office and it appears that your interpretation is legally defensable. The reference to "certified signatures" was not removed when the recall statutes were amended in 2004. As you point out, in order for the signatures to be certified, the petitions have to have been examined by the county clerk and the petition must have the clerk's certificate, as provide in section 34-1807, Idaho Code, attached. The requirement to submit the petitions with certified signatures within 75 days, as required by section 34-1704, Idaho Code, does include the 15 business days that the county clerk has to check the signatures.

An additional legislative change will need to be made to give petitioners the full 75 days to gather signatures for a recall. Until that happens, the time required to certify signatures is included within the 75 days.

We agree with you, in order to avoid a court challenge of the recall election, petitioners need to submit their petitions to you well in advance of the June 19th deadline so the signatures can be examined and certified by the county clerk within that deadline.

Sincerely,

TIMOTHY A. HURST
Chief Deputy
Secretary of State

TAH/lm

P.O. Box 83720, Boise, Idaho 83720-0080
Telephone: (208) 334-2300, FAX: (208) 334-2282
Located at 700 West Jefferson, Suite E205