

Phase 3: The Decision Phase

In this chapter, we will look at the legal methods by which the public will decide whether to create or expand library districts. Each kind of project has specific legal requirements for making this decision.

Establishment. Library districts are legal entities with authority to levy property taxes. Because of this power, districts can only be established by a vote of the people who will reside in the district.

Annexation and Combination. Districts are also usually expanded by election, but in some cases, there is an alternate method of expansion by petition that ensures that a majority of the people in the added territory that will be taxed have consented to be part of a library district.

Consolidation. In the case of consolidation of districts, an agreement to consolidate by the boards of the consolidating districts with the confirmation of the county commissioners is adequate, since most of the people living in the districts have already agreed to tax themselves for library services.

Reality Check

The composition of the electorate depends upon the method of districting being attempted. Only areas in which voters have not yet had the opportunity to vote to tax themselves for library service will vote. See the next two pages for more details.

To determine which method you will need to use, let us look at the various kinds of projects identified in the Assessment Phase chapter, along with the method or methods that can be used to carry out the project.

- a) **Establishment.** Territory that contains no library can be formed into a library district. The new library district can set up its own libraries and provide services itself. *This will require an election within the proposed new district. The election process is discussed in Election Procedure A below. [See Idaho Code sections [33-2702 through 33-2706.](#)]*
- b) **Establishment in order to purchase library service from another library.** Territory that contains no library can be formed into a library district. The new district does not provide services itself, but contracts with an existing library to provide services to its residents. *This will require an election within the proposed new district. The residents of the city or library district with which a contract will be made do not get to vote on the district issue, as the proposed district will not be taxing them. The election process is discussed in Election Procedure A below. [See I.C. §§ [33-2702 through 33-2706.](#)]*
- c) **Establishment including an existing city library.** Territory that includes one existing city library can be formed into a district that serves the city and surrounding territory. *This will require an election within the proposed new district. Electors within the city, as well as electors within the untaxed territory, are all given an opportunity to vote, since the new district will tax property within the city limits as well as in the untaxed territory. The election process is discussed in Election Procedure A below. [See I.C. §§ [33-2702 through 33-2706.](#)]*
- d) **Establishment/Combination including multiple city libraries.** Territory that includes two or more city libraries can be formed into a district that includes untaxed territory that connects the cities together. *This will require an election. Electors within the cities that support city libraries as well as electors within untaxed areas will be given an opportunity to vote, since the new district will tax all of this area. The election process is discussed in Election Procedure A below. [See I.C. §§ [33-2702 through 33-2706.](#)]*
- e) **Annexation of area with no library service.** An existing district library can annex untaxed territory which is contiguous to it and which contains no other public library. *This can be done either by election or by petition. In most cases, an election will be used. (Because the petition method requires the signatures of 60% of the qualified electors in the territory to be added to the district, it usually*

will only be feasible in areas that have a very small population.) The election will be held only in the territory that will be added to the district, since that is the only territory in which electors have not yet agreed to tax themselves for library services. The election process is discussed in Election Procedure B below. [See I.C. §§ [33-2707 through 33-2708.](#)]

- f) **Annexation of area including one or more city libraries, and the cities do not choose to join the district.** An existing district library can annex untaxed territory that is contiguous to it, which contains an existing city library (or libraries), and the cities do not choose to join the district. *This can be done either by election or by petition. In most cases, an election will be used. Because a petition requires that 60% of the qualified electors in the territory to be added to the district, it usually will only prove feasible in areas that have a very small population. The election will be held only in the territory that will be added to the district, since that is the only territory in which electors have not yet agreed to tax themselves for library services. Electors within the cities that are not joining the district do not vote, since the district will not be taxing them. The election process is discussed in Election Procedure B below. [See I.C. §§ [33-2707 through 33-2708.](#)]*
- g) **Annexation/Combination.** An existing district library can add untaxed territory which is contiguous to it and which includes an existing city library (or libraries), and the cities also choose to combine with the district. *This situation is treated as an establishment of a new district. It will require an election that will include electors within the existing district, cities that support city libraries, and untaxed territory. If the election fails, the existing district remains as a district library. The election process is discussed in Election Procedure A below. [See I.C. §§ [33-2702 through 33-2706.](#)]*
- h) **Combination.** A city library whose boundaries are contiguous with a library district combines with the district. *An election is held in the city only, since the electors within the district have already agreed to tax themselves for district library services. The city is responsible for conducting the election. The election process is discussed in election Procedure C below. [See I.C. § [33-2709.](#)]*
- i) **Consolidation.** Two or more existing contiguous districts can be consolidated into a single district. *The library boards involved vote to consolidate and petition the county commissioners to certify the name and boundaries of the consolidated district. [See I.C. § [33-2711.](#)]*

We will cover each of the different processes – election, petition, and board action – separately, as each requires different procedures.

Elections

All library districts are created by election, and most expansions of library districts are also completed through an election process. Election procedures differ according to the type of districting project.

Election procedures fall into three categories:

- A. for the establishment of a new district and the annexation and/or combination of an existing district with untaxed territories and existing tax-supported libraries;
- B. for annexing untaxed territory; and
- C. for a city library to join an existing library district.

Election Procedure A: Establishment and Annexation/Combination

Based on Idaho Code 33-2704 through 33-2706

In order to carry out a successful establishment or annexation/combination election, the following tasks must be completed. If the proposed district will extend into more than one county, all of the procedures listed below must be carried out in each county. One county, however, will need to be designated as the home county. Upon a successful election, the county commissioners of that county will issue an order creating the library district. [See I.C. § [33-2706](#).]

- First, a legal description and draftsman-like map of the proposed or expanded district needs to be created, and a name for the district chosen.
- Second, a date for the election (based on the uniform dates set in I.C. § [34-106](#)) needs to be chosen.
- Third, based on the election date, a calendar and checklist of required and desired activities must be created.
- Fourth, a public relations plan for the election needs to be devised and implemented.
- Fifth, at the required time, a petition procedure must be carried out.
- Sixth, the county commissioners need to carry out hearing procedures on the petition, which include a notification procedure of other tax-supported libraries within the proposed district.
- Seventh, the county commissioners carry out an election on whether to create the district.

Task Number One: Legal Descriptions, Maps and a Name

As the Working Group moved through the planning process, it determined what territory would be included in the new or expanded district. As the group plans for an election, it is also necessary to make a very exact, legal description of the new district. This legal description along with a very exact map – *draftsmanlike*, according to I.C. § [33-2704](#) – will be needed to carry out a petition drive and election. After the election, the map will be sent to the [Idaho State Tax Commission](#), so that the new district can be placed on the tax rolls. [See I.C. § [63-215](#).]

There are a number of ways in which you may be able to obtain legal descriptions and maps of the proposed new district.

- If the district is based on the boundary lines of an existing local governmental unit, *e.g.*, a county or a school district, you can usually use the legal description and map of this existing taxing district. (Check with the Idaho State Tax Commission to see if they consider the existing district's legal description to be adequate, as some older district descriptions may not be considered acceptable.)
- If you are using voter precinct lines, counties will have a map, but they are not required to have a legal description. (Check with your county clerk to see if a legal description of the precinct boundaries is available.)
- The county assessor or engineer may be able to help you create a legal description and draftsmanlike map of the new district.
- You can hire an engineering or surveying firm to provide you with a legal description and map.

Reality Check

It is a good idea not to use the word free in the new district's name. You will be asking voters to pay an additional tax to support the library district, and the word free could cause confusion.

Some tips on preparing your own legal description of the proposed district's boundaries

- The legal description is the description of a line on a map that encloses the territory to be included in the district. The line has a beginning point, and it will return to that beginning point. Thus, the description will begin with “Beginning at...” and it will end with “... to the point of beginning.” In following land survey lines, the actual or approximate distance is always noted between two points, and the point arrived at is accurately described.
- If you are following any line, such as a township line, that has a jog in it, be sure to specify that you are following that specific line.
- If the line follows a river bank boundary, be sure to specify the most recent meander line survey as your authority for the river bank.
- Do not use “center of stream channel” as a boundary line in your description, even though it may be the county boundary line description in Idaho Code.
- Cities or other areas within a district that will not be included should be described with a legal description, not just by name.
- If an unincorporated part of the county is surrounded by a city area that is not included in the district, make sure to say that this area is excluded in the legal description of the district. [To be part of the district, it must be contiguous with the district. See I.C. § [33-2703\(2\)](#).]

Some tips on preparing your own draftsmanlike map of the proposed district:

- Use a tax code area map. These should be available from your county clerk.
- Be sure that the map and legal description accurately agree, in so far as the scale allows.
- Be sure that the district line has the designated “point of beginning” with an arrow, on the map.
- Be sure that the beginning point is clearly described, and that the boundary returns to that point along clearly described lines.
- The map should have explanatory notes, such as “crosshatched areas are not included”.

[Sample legal descriptions and maps](#) have been included.

To assure that the legal description and map are acceptable to the Idaho State Tax Commission, contact their **Geographic Information Services** at 208-334-7721. This is the telephone number for [General Property Appraisal, Operating \(Centrally Assessed\) Property](#), at the Idaho State Tax Commission.

Naming the District. The district must also be given a name. It is a good idea to choose a name that describes the district’s service area and include the words, “public library district.” For example, if a library district covered all of the mythical Syringa County, the district would be called the Syringa County Public Library District. If it covered only the southern part of the county, it would be called the South Syringa County Public Library District.

Task Number Two: Setting the Election Date

According to I.C. § [34-106](#), on and after January 1, 2011, there are only two days each year on which an election may be held:

1. The third Tuesday in May of each year; and
2. The Tuesday following the first Monday in November of each year.

Reality Check

Elections to vote for district library trustees are held only in May and only in odd-numbered years. Elections to establish, combine, or annex territory to a library district may be held in May or November of any year, odd- or even-numbered. It is important not to confuse these two types of election when setting your election date.

Because property tax funding will not become available until the second January after the election [See *Task Eight* in the Planning Phase], from an administrative point of view, it is best to hold the election as late in the year as possible. This would seem to make a November election the ideal.

Holding an election can be an expensive proposition. There are also financial advantages to holding an election when other elections are being held. County officials may be more favorable toward the districting proposal if the Working Group plans for the election at a convenient time for the county. District boundaries that do not cross voter precinct lines also make the election easier to run. These should be considerations in choosing an election date and district boundaries.

Who pays for the election?

Idaho Code gives the counties the responsibility for carrying out and paying for [I.C. § [34-1411](#)] the election to enlarge an existing library district. The county is not responsible for any election expenses prior to the time a taxing district orders an election, such as notice and costs for public hearings and notice and costs for public hearings on ballot measures. [See I.C. § [34-1411\(2\)](#).]

An election to create a new taxing district is also conducted by the county. **The expense of the election, however, is the responsibility of the Working Group.**

- Once the Working Group has filed the petition to create the new taxing district, the county clerk has 10 days to estimate the cost of advertising and holding the election [see I.C. § [63-802C](#)] and notify the Working Group in writing as to the amount of the estimate.
- The Working Group then has 20 days from receiving the notice to deposit the estimated amount with the county clerk in cash, or the petition shall be deemed withdrawn.
- If the deposit is made and the proposed new taxing district is formed, the Working Group is reimbursed from the first allocation of tax dollars collected by the county as authorized by I.C. § 63-802C.

Other circumstances may also affect the choice of the election date. It will be wise to think carefully about the election date and to do some research on the history of local elections:

Some questions to ask are:

- Have there been uniform election dates when bond issues or districting elections have been particularly successful or unsuccessful?
- Are there dates when people are more likely to vote or less likely to vote?
- Are there other bond issues or districting elections planned for any date?

If another taxing district has been particularly successful in passing bond issues or other elections, you may want to seek advice on the selection of an election date, and other election processes, from its staff or board.

The selection of an election date is a critical decision, as it will drive the election calendar, affect the costs of the districting project, and will influence all other decisions during this phase of the districting project.

Reality Check

Under no circumstances should tax money be used to support election advertising.

[74-604](#). PUBLIC FUNDS PROHIBITED. (1) Unless specifically required by law, and except as provided in this chapter, neither a public entity nor its employees shall make, nor shall a public official make or authorize, an expenditure from public funds to advocate for or against a candidate or a ballot measure.

(2) Neither a public entity nor any of its employees shall use, nor shall a public official authorize or use, public property or resources to advocate for or against a candidate or a ballot measure.

[74-605](#). EXCLUSIONS. Nothing in this chapter shall prohibit:

(1) A public official or employee from speaking, campaigning, contributing personal money or otherwise exercising the public official's or employee's individual first amendment rights for political purposes, provided no public funds are used for expenditures supporting the public official or employee in such activity;

(2) A public entity, public official or employee from the neutral encouragement of voters to vote;

(3) An elected official or employee from personally campaigning or advocating for or against a ballot measure, provided no public funds, property or resources are used for supporting the elected official or employee in such activity;

(4) A public entity from preparing and distributing to electors an objective statement explaining the purpose and effect of the ballot measure, including in the case of bond or levy elections the cost per taxpayer or taxable value, or similar information based on reasonable estimates prepared in good faith;

(5) The formulation and publication of statements regarding proposed amendments to the state constitution, as authorized by section [67-453](#), Idaho Code;

(6) The publication of information described in sections [34-439](#), [34-439A](#) and [34-1406](#), Idaho Code, as applicable, or other provisions of law requiring notices and disclosures in connection with elections and ballot measures; or

(7) A balanced student classroom discussion or debate of current or pending election issues.

Task Number Three: Creating an Election Calendar

In order for an election to be held, various preliminary steps need to be taken. These steps include the collection of signatures on a petition, the presentation of these petitions to the county commissioners, notification of a hearing to be held by the county commissioners, the county commissioner hearing itself, the issuance of an order by the county commissioners, the publication of an election notice by the county clerk, and the election itself, which will be held at the next uniform election date in May or November.

Each of these steps must be taken within a certain time frame. Carrying out any of the steps too early or too late could lead to an earlier or later election date than desired. It is therefore vital to create an election calendar that lists the time for each step in the process. [Please feel free to use the form that we have developed for creating an election calendar.](#)

Reality Check

To create the election calendar, begin with your desired election date.

- The first notice of the election must be published by the county at least twelve (12) calendar days prior to the election. A second notice must be published not later than five (5) days before the election. So, count back five days for the second notice and twelve days for the first notice. Remember that these are the last days on which these activities can take place; they can be completed earlier, and indeed may have to be if the official paper for your county is a weekly. [See I.C. § [34-602](#).]
- The order of the county commissioners stating the boundaries and the name of the new library district must be made no more than ten (10) days after the hearing. [See I.C. § [33-2706](#).]
- The hearing must be held no less than three (3) weeks and no later than six (6) weeks after the petitions have been submitted to the commissioners and filed with the county clerk. [See I.C. § [33-2704\(2\)](#).]

- Notice of the hearing must be published at least once a week for two weeks before the hearing. [See I.C. § [33-2704\(2\)](#).]
- Allow a *minimum* of two (2) weeks to secure the signatures needed on the petition. (The actual time will depend on the number of people you have circulating petitions and the number of signatures that you aim to obtain.) [See I.C. § [33-2704\(1\)](#).]
- If the Idaho State Tax Commission agrees to review the legal description and map, you will need to give them copies at least six (6) weeks before the petitions are passed. If the Tax Commission does not agree to review the legal descriptions, you will need to employ the services of a qualified attorney.

In case the county commissioners will take the full time available to them to carry out their functions, this means the petitions should be submitted to them no less than nine (9) weeks before the election date. However, this calendar should be part of the Working Group's discussion with the county commissioners and county clerk in the Planning Phase, and so the actual dates that will go onto your calendar will depend on that discussion.

Task Number Four: Plan Public Relations

Much of this task may have been completed as a part of Task Two in the Planning Phase of the districting project. Because of an intensive public relations effort for the election, a special plan may be needed for the two-to-three-month period before the election. This plan should include many of the same types of activities as for non-election public relations, but there should also be provisions made for getting out the vote on Election Day.

State statutes on election contributions and expenditures do not apply to local issue elections [I.C. § [67-6602](#), defines “measures” which are specifically covered as “statewide”], but it would be wise to run contributions and expenditures for campaign advertising through a committee especially set up for that purpose. Advertisements for the election should carry the name of the committee, and the name of a treasurer. While this is not legally required, it may save your campaign from the need to deal with a false campaign issue, since many people assume that election contribution laws apply to all elections, not just to statewide and certain designated local elections.

Reality Check

It is the responsibility of the county commissioners to announce the hearing. See below.

Preparing to Get Out the Vote. One of the most important public relations activities is to prepare to get out the vote on election day. Lists of supporters should be made up including their names, telephone numbers and e-mail addresses. Volunteers should be recruited to call, text, and/or e-mail these supporters immediately before the election or on election day itself to remind them to vote. Shut-ins and others who cannot easily get to the polls should be offered rides. These preparations must be made in advance of the election itself.

The importance of getting out the vote cannot be overemphasized. In some cases where elections have been lost, poor turnout in precincts that would have been likely to

vote in favor of districting has been an important factor. You cannot assume that your supporters will remember to vote – particularly if there are no other candidate or issue races that are compelling. *Putting in the effort to create a good list of supporters and reminding them **on election day** to vote for the library is as important as any other public relations function that your project will perform.*

Task Number Five: Creating and Circulating Petitions

In order for an election to be held, petitions containing the names of at least 50 qualified electors must be presented to the county commissioners. It is best to get as many signatures on the petitions as possible, partly to avoid problems if some names are disqualified and partly as a show of support for the district.

The requirements for the petition process are found in I.C. § [33-2704](#). Petitions must be verified by a qualified elector, and the verification must be made before a notary public. A [form for the petitions](#) has been prepared for you to use in your campaign. In addition to explaining the issue at the top of the petition, there should be room at the bottom for the verifying signature of the petition carrier and the necessary information, signature, and seal of the notary public.

Definition

“Qualified elector” means any person voting, or offering to vote, at an election to create a library district, add territory thereto, or elect trustees thereof. A qualified elector must be, at the time of the election, a resident of the area involved for thirty (30) days prior to the date of the election, registered and an elector within the meaning of [section 2, article VI](#), of the Constitution of the state of Idaho. [See I.C. § [33-2702\(7\)](#).]

Petition carriers should be active supporters of the library districting effort. It helps if they are property owners, have good standing in the community, and understand the issues and process involved in creating a library district. A meeting to train carriers should be held, in which both the library issues and the petitioning process are explained.

At a minimum, good written and oral instructions for petition carriers need to be provided. Petition carriers need to be given these instructions to assure that the

petitions will be correct and legal, and so that the petition process acts as a good public relations tool for the district.

Consider these guidelines for petition carriers:

- A petition carrier must be a registered voter within the proposed district.
- Each petition signer must be a registered voter within the proposed district. If a potential signer is not sure whether he or she is a registered voter, it is best not to have him or her sign the petition, until residency can be verified.
- Each petition signer must include her or his entire address, including city in Idaho and zip code.
- A petition carrier may ask for the signer's telephone number, but this is optional. The carrier must explain that signers do not have to give a telephone number and that telephone numbers will only be used to remind the signer of the hearing and to vote at the election. The same goes for e-mail addresses.
- Each petition carrier should sign his or her own petition on one of the signers' lines as well as making the notarized signature at the bottom of the petition.
- A petition carrier should not allow anyone to sign for a spouse.
- A petition carrier should not promise anything about tax levies but should refer the question to the Working Group's financial committee.
- A petition carrier should inform the signers of the hearing process and ask the signers to attend the hearing.
- Each petition carrier must write her or his verifying signature at the bottom of the petition in the presence of a notary public and have her or his signature notarized. All names on the petition will be invalidated if the petition is not notarized. Notary publics are available at county courthouses, city halls, banks, and other locations where public business is transacted. Many notaries will donate this service.
- All petitions need to be turned in by a certain date. Make sure that petition carriers understand how important it is to get petitions back on time.

Petitions should be turned in to the chair of the Working Group rather than directly to the county clerk. This allows the petitions to be checked for flaws and corrections made, if necessary, before they are turned in officially.

Task Number Six: The Hearing with the County Commissioners

As part of the planning process, the Working Group should have already discussed the hearing process with the clerk and the commissioners. A time table for the hearing process should have been discussed as part of this conversation. It is also a good idea to give the county clerk a copy of the law [I.C. §§ [33-2701 through 33-2705](#)] governing the process.

When the petitions have been prepared, they are presented to the county commissioners and filed by the county clerk. The presentation of the petitions can occur at a regular county commission meeting. You will need to contact the county clerk in order to be placed on the agenda.

Hearing Date. After the petitions have been presented, the county commissioners are required by law to set a time and place for a hearing. The hearing can be part of a regularly scheduled county commission meeting. It must take place no less than three (3) and no more than six (6) weeks after the petitions have been presented. [See I.C. § [33-2704\(2\)](#).]

Hearing Notices. The county commissioners must announce the hearing in a newspaper of general circulation once a week for two (2) weeks prior to the hearing. [See I.C. § [33-2704\(2\)](#).]

Relationship with Existing Libraries. At the same time that the hearing is announced, the county commissioners must notify in writing the library boards of any tax-supported library within the boundaries of the proposed library district. If an existing library that has been included within the boundaries of the district does not wish to participate, it must pass a resolution and present it to the county commissioners not less than one (1) week before the date of the hearing. [See I.C. § [33-2704\(4\)](#).] Normally this should not be an issue, if the Working Group has determined the most politically feasible configuration for the new district. District boundaries should have excluded those libraries that were not interested in being part of the district.

The Hearing Itself. A public hearing is an opportunity for the public to speak about an issue that concerns them, usually followed by a decision made by a public board. Idaho Code allows any resident elector within the proposed boundaries of the proposed district to appear and be heard concerning the following issues regarding the formation of the library district: the form of the petition, the genuineness of signatures, the legality of the proceedings, and any other matters in regard to the creation of the district. [See I.C. § [33-2704\(3\)](#).]

Hearings may be quite formal, where speakers must sign up at the beginning of the meeting, and each person is only allowed to speak once. Or they may be informal where people can speak back and forth on the issue. Find out how your county commissioners tend to conduct hearings and prepare accordingly.

It is to be expected that people who oppose the district will attend and speak at the hearing. Since the hearing will normally be covered by the press, it is vital that the proponents of the district attend and speak at the hearing as well. Here are some hints about how to make a good impression at the hearing:

- If possible, ask community leaders to be present and speak in favor of the district.
- Put together a team of speakers to address different issues.
- Even if people do not wish to speak, ask them to come to the hearing. Then have one of your speakers ask all in favor of the district to stand up. (It is impressive when most of the crowd stands at this request.)
- Anticipate the arguments that will be made against the district and plan on answering them.
- If people are only allowed to talk once, ask that your most knowledgeable speakers be allowed to present last, so they can answer any arguments against the district.

Order for the Election. No more than ten (10) days after the hearing, the county commissioners are required to make an order, based upon the public hearing. [See I.C. § [33-2704\(5\)](#).] If the county commissioners determine that the proposed library district would be in keeping with the declared public policy of the state of Idaho regarding library districts, they may fix the boundaries and certify the name of the proposed district in their order granting the petition. In making this order the county commissioners may modify the boundaries of the district and the district name. Such modifications, however, can be made only in accordance with the “declared public policy of the state of Idaho” and references. [See I.C. § [33-2701](#).] Again, if the Working Group has been working with the county commissioners throughout the process, there probably will be no surprises at this point.

Task Number Seven: Conducting the Election

Once the county commissioners have issued the order for the districting election [I.C. § [33-2704\(5\)](#)], the clerk of the board of county commissioners will see to the publication of a notice of the upcoming library district election. The date of this election will be on the next uniform election date as provided for in I.C. § [34-106](#).

All notices of the election shall be given in accordance with general election laws of the state of Idaho, and the election conducted according to those laws. The ballot must contain the wording:

{District Name} Library District--Yes

{District Name} Library District--No

each followed by a box in which the voter can mark her or his choice by marking a cross "X." [See I.C. § [33-2705](#).] We have prepared a [sample ballot](#).

Reality Check

It is a good idea for the Working Group representatives who have been working with the county clerk to stay in touch with the clerk throughout the election process and to monitor the various election processes that need to be completed.

Getting Out the Vote. One of the most important activities for an election is the effort to get out the vote on election day. In order to get out the vote, lists of voters who have indicated their support for the library district should be maintained. If possible, these voters should be listed by precinct or voting place.

On election days, volunteers can then contact these voters to remind them to vote and to provide them with information about voting hours and their polling places. Well before election day, the homebound and others in need of assistance should be offered

help in obtaining absentee ballots or transportation to and from the polls. *If the election is not being held during a general election, it is absolutely vital to get out supportive voters, as relatively few registered voters will make it to the polls. Thus, a small number of voters can make a big difference in this kind of election.*

Results Certification, Canvassing, and the Creation Order. After the election, the board of election (election judges appointed by the county clerk) must certify the results to the county commissioners within three (3) days, and within seven (7) days the county commissioners must canvass the results. [See I.C. § [33-2705](#).] If the majority of voters vote to establish the district, the county commissioners are required to enter an order declaring the district's establishment. The order must include the name and boundaries of the new district as well as a map prepared in a draftsmanlike manner.

Reality Check

Establishing a library district in Idaho requires a vote of 50% +1 of those voting.

The county board of commissioners is required to send a certified copy of this order to the [county](#) recorder, county assessor, [Idaho State Tax Commission](#), and the Board of Library Commissioners “in a timely manner but no later than December 15, in the calendar year in which the election was held.” [See I.C. § [33-2705](#) Idaho Code.]

Mailing address for the Board of Library Commissioners:

Board of Library Commissioners
Idaho Commission for Libraries
325 W. State Street
Boise, ID 83702



Multiple County Elections and Orders of Establishment. In the case of a proposed district that extends into two or more counties, a majority of voters in each county must approve the district before it is created. When this occurs, the home county’s commissioners enter an order creating the district and send a certified copy of the order to the county commissioners of all other counties that have territory in the district. The board of county commissioners of any other county affected shall enter the order in its minutes. A copy of this order shall also be transmitted to the Board of Library Commissioners. [See I.C. § [33-2706](#).]

Election Procedure B: Addition of Territory Containing No Tax-Supported Library

Based on I.C. § [33-2707](#), with references to §§ [33-2704](#), [33-2705](#), [33-2706](#).

In order to carry out an election to add untaxed territory, the following tasks must be completed. If the proposed district will extend into more than one county, all the procedures listed below must be carried out in each county. The home county of the existing district will continue as the home county for the expanded district. Upon a successful election, the county commissioners of the home county will issue an order amending the library district boundaries and will transmit a certified copy of the order to other affected counties and to the Board of Library Commissioners. The district library board will be responsible for transmitting the required information to county tax officials and the Idaho State Tax Commission.

- First, a legal description and draftsman-like map of the proposed or expanded district needs to be created.
- Second, a date for the election needs to be chosen.
- Third, based on the election date, a calendar and checklist of required and desired activities must be created.
- Fourth, a public relations plan for the election needs to be devised and implemented.
- Fifth, at the required time, a petition procedure must be carried out in the area to be added to the district.
- Sixth, the board of trustees of the existing library district must approve the petition and notify the county commissioners that they have done so.
- Seventh, the county commissioners carry out an election on whether the territory should be added to the district.

Task Number One: Legal Descriptions and Maps

As the Working Group moved through the planning process, it made a decision about what territory would be included in the district expansion. As the group plans for an election, it is also necessary to make a very exact, legal description of both the expansion area and the new district. These legal descriptions along with very exact maps — *draftsmanlike*, according to I.C. § [33-2707](#) — will be needed to carry out a petition drive and election, and then they will be needed to send to the Idaho State Tax Commission, so that the territory added to the district can be placed on the tax rolls.

There are numerous ways in which you may be able to obtain legal descriptions and maps of the proposed annexation.

- If the annexation is based on the boundary lines of an existing local governmental unit, *e.g.*, a county or a school district, you can usually use the legal description and map of this existing taxing district. (Check with the [Idaho State Tax Commission](#) to see if they consider the existing district’s legal description to be adequate, as some older district descriptions may not be considered acceptable.)
- If you are using voter precinct lines, [counties](#) will have a map, but they are not required to have a legal description. (Check with your county clerk to see if a legal description of the precinct boundaries is available.)
- The county assessor or engineer may be able to help you create a legal description and draftsmanlike map of the new district.
- You can hire an engineering or surveying firm to provide you with a legal description and map.

If you are going to prepare your own legal description, here are some tips:

- The legal description is the description of a line on a map that encloses the territory to be included in the district. The line has a beginning point, and it will return to that beginning point. Thus, the description will begin with “Beginning at...” and it will end with “...to the point of beginning.” [See I.C. §§ [33-2704](#) and [63-215](#).]
- In following land survey lines, the actual or approximate distance is always noted between two points, and the point arrived at is accurately described.
- If you are following any line, such as a township line, that has a jog in it, be sure to specify that you are following that specific line.
- If the line follows a river bank boundary, be sure to specify the most recent meander line survey as your authority for the river bank.
- Do not use “center of stream channel” as a boundary line in your description, even though it may be the county boundary line description in Idaho code.
- Cities or other areas within a district that will not be included should be described with a legal description, not just by name.
- If an unincorporated part of the county is surrounded by a city area that is not included in the district, make sure to say that this area is excluded in the legal description of the district. [To be part of the district, it must be contiguous with the district. See I.C. § [33-2703\(2\)](#).]

If you are going to prepare your own draftsmanlike map of the district, here are some tips:

- Use a tax code area map. These should be available from your [county](#) clerk.
- Be sure that the map and legal description accurately agree, insofar as the scale allows.
- Be sure that the district line has the designated “point of beginning” with an arrow, on the map.
- Be sure that the beginning point is clearly described, and that the boundary returns to that point along clearly described lines.
- The map should have explanatory notes, such as “crosshatched areas are not included.”

We have prepared some sample legal descriptions and corresponding maps.

To assure that the legal description and map are acceptable to the Idaho State Tax Commission, contact their **Geographic Information Services** at 208-334-7721. Be sure to ask how long they will need for this review.

Task Number Two: Setting the Election Date

According to I.C. § [34-106](#), on and after January 1, 2011, there are only two days each year on which an election may be held:

1. The third Tuesday in May of each year; and
2. The Tuesday following the first Monday in November of each year.

Because property tax funding from the territory added to the district will not become available until the second January after the election [See Task Eight in the Planning Phase], from an administrative point of view, it is best to hold the election as late in the year as possible. This would seem to make a November election the ideal.

Beginning in 2011, the county clerk now conducts the elections for political subdivisions (including library districts) and performs all necessary duties of the election official of a political subdivision including, but not limited to, notice of the filing deadline, notice of the election, and preparation of the election calendar ([title 34, chapter 14](#), Idaho Code).

There are also financial advantages to holding an election when other elections are being held. Idaho Code gives the counties the responsibility for carrying out the election to enlarge a library district. [See I.C. §§ [34-1401](#) and [34-1411](#).] Holding an election, however, can be an expensive proposition. County officials may be more favorable toward the districting proposal if the Working Group plans for the election at a convenient time for the county. If the election is held at the same time as other elections being conducted by the county, for instance, the county will incur little additional cost. District boundaries that do not cross voter precinct lines also makes the election easier to run. These should be definite considerations in choosing an election date and district boundaries.

Other circumstances may also affect the choice of the election date. It will be wise to think carefully about the election date and to do some research on the history of local elections.

Some questions to ask are:

- Have there been uniform election dates when bond issues or districting elections have been particularly successful or unsuccessful?
- Are there dates when people are more likely to vote or less likely to vote?
- Are there other bond issues or districting elections planned for any date?

If another taxing district has been particularly successful in passing bond issues or other elections, you may want to seek advice on the selection of an election date, and other election processes, from its staff or board.

The selection of an election date is a critical decision, as it will drive the election calendar, and will influence all other decisions during this phase of the districting project.

Task Number Three: Creating an Election Calendar

In order for an election to be held, various preliminary steps need to be taken. These steps include the collection of signatures on a petition, the presentation of these petitions to the county commissioners, notification of a hearing to be held by the county commissioners, the county commissioner hearing itself, the issuance of an order by the county commissioners, the publication of an election notice by the county clerk, and the election itself, which will be held at the next uniform election date in May or November.

Each of these steps must be taken within a certain time frame. Carrying out any of the steps too early or too late could lead to an earlier or later election date than desired. It is therefore vital to create an election calendar that lists the time for each step in the process. We have prepared a [form for creating an election calendar](#).

Reality Check

To create the election calendar, begin with your desired election date.

- The first notice of the election must be published by the county at least twelve (12) calendar days prior to the election. A second notice must be published not later than five (5) days before the election. So, count back five days for the second notice and twelve days for the first notice. Remember that these are the last days on which these activities can take place; they can be completed earlier, and indeed may have to be if the official paper for your county is a weekly. [See I.C. § [34-602](#).]
- The county commissioners will need to be notified of the petitions and the library board's approval of the petitions far enough in advance to prepare for the election. This time frame should be discussed with the commissioners and the county clerk.
- Allow a minimum of two (2) weeks to secure the signatures needed on the petition. (The actual time will depend on the number of people you have carrying petitions and the number of signatures that you desire.)

- If the Idaho State Tax Commission agrees to review the legal description and map, you will need to give them copies at least six (6) weeks before the petitions are passed.
- Assuming that the county commissioners will want a couple of months to prepare for the election, this means that petitions should be submitted to them no less than eight (8) weeks before the election date. However, this calendar should be part of the Working Group's discussion with the county commissioners and county clerk in the Planning Phase, and so the actual dates that will go onto your calendar will depend on that discussion.

Task Number Four: Plan Public Relations

Much of this task may have been completed as a part of Task Two in the Planning Phase of the districting project. However, because of an intensive public relations effort for the election, a special plan may be needed for the nine-to-12-week period before the election. This plan should include many of the same types of activities as for non-election public relations, but there should also be provisions made for getting out the vote on Election Day.

State statutes on election contributions and expenditures do not apply to local issue elections [I.C. § [67-6602](#) defines “measures” which are specifically covered as “statewide”], but it would be wise to run contributions and expenditures for campaign advertising through a committee especially set up for that purpose. Advertisements for the election should carry the name of the committee, and the name of a treasurer. While this is not legally required, it may save this from becoming a false campaign issue, since many people assume that election contribution laws apply to all elections, not just to statewide and certain designated local elections.

Reality Check

Under no circumstances should tax money be used to support election advertising.

Preparing to Get Out the Vote. One of the most important public relations activities is to prepare to get out the vote on election day. Lists of supporters should be made up including their names, telephone numbers and e-mail addresses. Volunteers should be recruited to call, text, and/or e-mail these supporters immediately before the election or on election day itself to remind them to vote. Shut-ins and others who cannot easily get to the polls should be offered rides. These preparations must be made in advance of the election itself.

The importance of getting out the vote cannot be overemphasized. In some cases where elections have been lost, poor turnout in precincts that would have been likely to

vote in favor of districting has been an important factor. You cannot assume that your supporters will remember to vote – particularly if there are no other candidate or issue races that are compelling. *Putting in the effort to create a good list of supporters and reminding them **on election day** to vote for the library is as important as any other public relations function that your project will perform.*

Task Number Five: Creating and Circulating Petitions

In order for an election to be held, petitions containing the names of at least 50 qualified electors must be presented to the county commissioners. It is best to get as many signatures on the petitions as possible, partly to avoid problems if some names are disqualified and partly as a show of support for the district.

The requirements for the petition process are found in I.C. § [33-2704](#). Petitions must be verified by a qualified elector, and the verification must be made before a notary public. A [form for the petitions](#) has been prepared for you to use in your campaign. In addition to explaining the issue at the top of the petition, there should be room at the bottom for the verifying signature of the petition carrier and the necessary information, signature, and seal of the notary public.

Definition

“Qualified elector” means any person voting, or offering to vote, at an election to create a library district, add territory thereto, or elect trustees thereof. A qualified elector must be, at the time of the election, a resident of the area involved for thirty (30) days prior to the date of the election, registered and an elector within the meaning of [section 2, article VI](#), of the Constitution of the state of Idaho. [See I.C. § [33-2702\(7\)](#).]

Petition carriers should be active supporters of the library districting effort. It helps if they are property owners, have good standing in the community, and understand the issues and process involved in creating a library district. A meeting to train carriers should be held, in which both the library issues and the petitioning process are explained.

At a minimum, good written and oral instructions for petition carriers need to be provided. Petition carriers need to be given these instructions to assure that the

petitions will be correct and legal, and so that the petition process acts as a good public relations tool for the district.

Here are some good instructions for petition carriers:

- A petition carrier must be a registered voter within the proposed district.
- Each petition signer must be a registered voter within the proposed district. If a potential signer is not sure whether he or she is a registered voter, it is best not to have him or her sign the petition, until residency can be verified.
- Each petition signer must include her or his entire address, including city in Idaho and zip code.
- A petition carrier may ask for the signer's telephone number, but this is optional. The carrier must explain that signers do not have to give a telephone number and that telephone numbers will only be used to remind the signer of the hearing and to vote at the election. The same goes for e-mail addresses.
- Each petition carrier should sign his or her own petition on one of the signers' lines as well as making the notarized signature at the bottom of the petition.
- A petition carrier should not allow anyone to sign for a spouse.
- A petition carrier should not promise anything about tax levies but should refer the question to the Working Group's financial committee.
- A petition carrier should inform the signers of the hearing process and ask the signers to attend the hearing.
- Each petition carrier must write her or his verifying signature at the bottom of the petition in the presence of a notary public and have her or his signature notarized. All names on the petition will be invalidated if the petition is not notarized. Notary publics are available at county courthouses, city halls, banks, and other locations where public business is transacted. Many notaries will donate this service.
- All petitions need to be turned in by a certain date. Make sure that petition carriers understand how important it is to get petitions back on time.

Petitions should be turned in to the district project coordinator or Working Group rather than directly to the county clerk. This allows the petitions to be checked for flaws and corrections made, if necessary, before they are turned in officially.

Task Number Six: Approval by the District Library Board

This should be a routine step. The district board, which should have been involved in the districting process from the beginning, should be aware that the petitions are coming to it, and approval should have been cleared long before the petitions were passed. The board simply approves the petition and then notifies the county commissioners in the county or counties affected. Approval of the petition can occur at a regular board meeting, or it may be approved at a special meeting and be used as a media event. If you decide to use the special meeting option, make sure that you follow the provisions of [Idaho's Open Meetings Law](#) for special meetings.

Reality Check

If, for some reason, the library board does not approve the petitions, the process stops at this point.

Task Number Seven: Conducting the Election

When the district library board receives the petitions, a true copy must also be delivered to the county commissioners in each county affected.

The Election Order. When the county commissioners have been notified that the district library board has approved the petitions, the commissioners are required to make an order for an election at the next uniform election date. [See I.C. § [33-2707\(3\)](#).] *The election is only held in the part of the county to be annexed to the district.* An election is not held in the existing district, as district residents have already voted to tax themselves for library services.

Conduct of the Election. Once the county commissioners have made the order for the election, it is the county's legal responsibility to carry out the election procedures. [See I.C. §§ [34-1401](#) and [34-1411](#).] All notices of the election shall be given in accordance with general election laws of the State of Idaho, and the election conducted according to those laws. As stated in I.C. § [33-2705](#), the ballot must contain the wording:

Shall {area} become part of the {district name} Library District--Yes

Shall {area} become part of the {district name} Library District--No

each followed by a box in which the elector can mark his or her choice. We have prepared a [sample ballot](#).

Reality Check

It is a good idea for the Working Group representatives who have been working with the county clerk to stay in touch with the clerk throughout the election process and to monitor the various election processes that need to be completed.

Getting Out the Vote. One of the most important activities for an election is the effort to get out the vote on election day. In order to get out the vote, lists of voters who have indicated their support for the library district should be kept. If possible, these voters should be listed by precinct or voting place.

On election days, volunteers can then contact these voters to remind them to vote and to give them information about voting hours and their voting place. The homebound and others in need of assistance should be offered help in obtaining absentee ballots or transportation to and from the polls. If the election is not being held during a general election, it is vital to motivate and encourage supportive voters, as relatively few registered voters will make it to the polls. Thus, a small number of voters can make a big difference in this kind of election.

Results Certification, Canvassing, and the Order Amending District Boundaries. After the election, the board of election (election judges appointed by the county clerk) must certify the results to the county commissioners within three (3) days, and within seven (7) days the county commissioners must canvass the results. [See I.C. § [33-2705](#).] If the majority of voters vote to add the territory to the district, the county commissioners of the home county of the district are required to enter an order amending the district's boundaries and to send a copy of that order to the other county commissions that are affected, to the board of trustees of the library district, and to the state Board of Library Commissioners.

The board of trustees of the library district is then required to send a certified copy of this order to the county recorder, the county assessor of the home county, and the Idaho State Tax Commission "in a timely manner, but no later than December 15, in the calendar year in which the election was held". [See I.C. § [33-2705](#).]

Election Procedure C: Combination of a City and a District Library

Based on I.C. § [33-2709](#) with references to §§ [33-2707](#), [33-2704](#), [33-2705](#)

In order to carry out an election to merge a city and a district library, the following tasks need to be completed. If the proposed district will extend into more than one county, all of the procedures listed below must be carried out in each county. The home county of the existing district will continue as the home county for the expanded district. Upon a successful election, the county commissioners of the home county will issue an order amending the library district boundaries and will transmit a copy of the order to other affected counties and to the Board of Library Commissioners. The district library board will be responsible for sending required information to county tax officials and the State Tax Commission. [See I.C. § [33-2709](#).]

- First, a legal description and draftsman-like map of the proposed or expanded district needs to be created.
- Second, a date for the election needs to be chosen.
- Third, based on the election date, a calendar and checklist of required and desired activities must be created.
- Fourth, a public relations plan for the election needs to be devised and implemented.
- Fifth, at the required time, a petition procedure must be carried out in the city to be added to the district.
- Sixth, the board of trustees of the existing library district must approve the petition and notify the county commissioners that they have done so.
- Seventh, a true copy of the petition and the notice of approval by the district library board is sent to the city council and the county commissioners.
- Eighth, the city clerk orders the election and gives notice to the county clerk, who conducts the election within the city on whether the city should become part of the district.

Task Number One: Legal Descriptions and Maps

The Planning Group will need to create a legal description and map of the district with the city added to it. Creating a legal description and map of the district-and-city merger should be comparatively easy. If the city is surrounded by the district, the legal description of the district is easily amended by taking out the “exception” clause for the city. If the city is located on the edge of the district, the legal description of the outside boundaries of the city can be used to create the amended district legal description. Similarly, maps can be redrawn to include the city. The city clerk should be able to provide you with a legal description and map of the city.

We have prepared some sample legal descriptions and corresponding maps.

To assure that your legal description and map are acceptable to the Idaho State Tax Commission, contact their **Geographic Information Services** at 208-334-7721. This is the telephone number for [General Property Appraisal, Operating \(Centrally Assessed\) Property](#), at the Idaho State Tax Commission.

Task Number Two: Setting the Election Date

According to I.C. § [34-106](#), on and after January 1, 2011, there are only two days each year on which an election may be held:

1. The third Tuesday in May of each year; and
2. The Tuesday following the first Monday in November of each year.

Because property tax funding from the city added to the district will not become available until the second January after the election [See Task Eight in the Planning Phase], from an administrative point of view, it is best to hold the election as late in the year as possible. This would seem to make a November election the ideal.

There are also financial advantages to holding an election when other elections are being held. Idaho code requires the county to conduct and pay for the election. [See I.C. §§ [33-2709](#), [34-1401](#), and [34-1411](#).] This should be a consideration in choosing an election date.

However, local circumstances may also affect the choice of the election date. Some questions to ask are:

- Have there been uniform election dates when bond issues or districting elections have been particularly successful or unsuccessful?
- Are there dates when people are more likely to vote or less likely to vote?
- Are there other bond issues or districting elections planned for any date?

If another taxing district has been particularly successful in passing bond issues or other elections, you may want to seek advice on the selection of an election date, and other election processes, from its staff or board.

The selection of an election date is a critical decision, as it will drive the election calendar, and will influence all other decisions during this phase of the districting project.

Task Number Three: Creating an Election Calendar

In order for an election to be held, a number of preliminary steps need to be taken. These steps include the collection of signatures on a petition, the presentation of these petitions to the district library board, city council, and county commissioners, the issuance of election orders by the city council, the publication of an election notice by the county, and the election itself, which will be held by the county at the next uniform election date.

Each of these steps must be taken within a certain time frame. Thus, to carry out any of the steps too early or too late could lead to an earlier or later election date than desired. It is therefore vital to create an election calendar that lists the time for each step in the process. We have prepared a [worksheet for planning your election calendar](#).

Reality Check

To create the election calendar, begin by listing your desired election date.

- The first notice of the election must be published by the county at least twelve (12) calendar days prior to the election. A second notice must be published not later than five (5) days before the election. So count back five days for the second notice and twelve days for the first notice. Remember that these are the last days on which these activities can take place; they can be completed earlier, and indeed may have to be if the official paper for your county is a weekly. [See I.C. § [34-602](#).]
- The city council will need to be notified of the petitions and the district library board's approval of the petitions long enough in advance to prepare for the election. This time frame should be coordinated with the city clerk and the city council, the county commissioners, and the county clerk.
- The district library board will need to receive the petitions and approve of the addition of the city before the city council can hold the election.

- Allow a minimum of two (2) weeks to secure the signatures needed on the petition. (The actual time will depend on the number of people you have carrying petitions and the number of signatures that you desire.)
- If the Idaho State Tax Commission agrees to review the legal description and map, you will need to give them copies at least six (6) weeks before the petitions are passed.

Assuming that the county will want a couple of months to prepare for the election, this means that petitions should be submitted no less than eight (8) weeks before the election date. However, this calendar should be part of the working group's discussion with the city clerk, city council, county commissioners, and county clerk in the Planning Phase, and so the actual dates that will go onto your calendar will depend on that discussion.

Task Number Four: Plan Public Relations

Much of this task may have been completed as a part of Task Two in the Planning Phase of the districting project. However, because of an intensive public relations effort for the election, a special plan may be needed for the two-to-three-month period before the election. This plan should include many of the same types of activities as for non-election public relations, but there should also be provisions made for getting out the vote on election day.

State statutes on election contributions and expenditures do not apply to local issue elections. Idaho Code § [67-6602](#) defines “measures” which are specifically covered as “statewide”. However, it would be wise to run contributions and expenditures for campaign advertising through a committee especially set up for that purpose. Advertisements for the election should carry the name of the committee, and the name of a treasurer. While this is not legally required, it may save this from becoming a false campaign issue, since many people assume that election contribution laws apply to all elections, not just to statewide and certain designated local elections.

Reality Check

Under no circumstances should tax money be used to support election advertising.

Preparing to Get Out the Vote. One of the most important public relations activities is to prepare to get out the vote on election day. Lists of supporters should be compiled including their names and contact information. *Volunteers should be recruited to call these supporters immediately before the election or on election day itself to remind them to vote.* Shut-ins and others who cannot easily get to the polls should be offered rides. These preparations must be made in advance of the election itself.

The importance of getting out the vote cannot be overemphasized. In some cases where elections have been lost, poor turnout in precincts that would have been likely to vote in favor of the district has been an important factor. You cannot assume that your

supporters will remember to vote — particularly if there are no other candidate or issue races that are compelling.

Reality Check

Putting in the effort to create a good list of supporters and reminding them to vote on election day, is as important as any other public relations function that your project will carry out.

Task Number Five: Creating and Circulating Petitions

In order for an election to be held, petitions containing the names of at least 50 qualified electors from the city that is to be added to the district must be presented to the district library board, the city council, and the county commissioners. It is best to get as many signatures on the petitions as possible, partly to avoid problems if some names are disqualified, and partly as a show of support for the district.

The requirements for the petition process are found in I.C. § [33-2704](#). Petitions must be verified by a qualified elector, and the verification must be made before a notary public. A [form for the petitions](#) has been prepared for you to use in your campaign. In addition to explaining the issue at the top of the petition, there should be room at the bottom for the verifying signature of the petition carrier and the necessary information, signature, and seal of the notary public.

Petition carriers should be active supporters of the library district expansion and live within the city limits of the city that will be added to the district. It helps if they are property owners, have good standing in the community, and understand the issues and process involved in creating a library district. A meeting to train carriers should be held, in which both the library issues and the petitioning process are explained.

At a minimum, good written and oral instructions for petition carriers need to be provided. Petition carriers need to be given these instructions to assure that the petitions will be correct and legal, and so that the petition process acts as a good public relations tool for the district.

Here are some good instructions for petition carriers:

- A petition carrier must be a registered voter within the proposed district.
- Each petition signer must be a registered voter within the proposed district. If a potential signer is not sure whether he or she is a registered voter, it is best not to have him or her sign the petition, until residency can be verified.
- Each petition signer must include her or his entire address, including city in Idaho and zip code.
- A petition carrier may ask for the signer's telephone number, but this is optional. The carrier must explain that signers do not have to give a telephone number and that telephone numbers will only be used to remind the signer of the hearing and to vote at the election. The same goes for e-mail addresses.
- Each petition carrier should sign his or her own petition on one of the signers' lines as well as making the notarized signature at the bottom of the petition.
- A petition carrier should not allow anyone to sign for a spouse.
- A petition carrier should not promise anything about tax levies but should refer the question to the Working Group's financial committee.
- A petition carrier should inform the signers of the hearing process and ask the signers to attend the hearing.
- Each petition carrier must write her or his verifying signature at the bottom of the petition in the presence of a notary public and have her or his signature notarized. All names on the petition will be invalidated if the petition is not notarized. Notary publics are available at county courthouses, city halls, banks, and other locations where public business is transacted. Many notaries will donate this service.
- All petitions need to be turned in by a certain date. Make sure that petition carriers understand how important it is to get petitions back on time.

Petitions should be turned in to the district project coordinator or Working Group rather than directly to the county clerk. This allows the petitions to be checked for flaws and corrections made, if necessary, before they are turned in officially.

Task Number Six: Approval by the District Library Board

This should be a routine step. The district board, which should have been involved in the districting process from the beginning, should know that the petitions are coming and should have already indicated its approval of the addition of the city to the district. Now the board simply approves the petition and then notifies the city council and county commissioners of each affected county. Approval of the petition can occur at a regular board meeting, or it may be approved at a special meeting and be used as a media event. If you decide to use the special meeting option, make sure that you follow the provisions of Idaho's [Open Meetings Law](#) for special meetings.

Reality Check

If for some reason, the district library board does not approve the petitions, the process stops at this point.

Task Number Seven: Contacting the City Council and County Commissioners

When the district library board receives the petitions, a true copy must also be delivered to the county commissioners in each county affected. After the library board approves the petition request, it sends copies of the petitions and a notice of its approval to the city council. It also sends a notice of its approval to the county commissioners.

Task Number Eight: Conducting the Election

When the city council has been notified of the district library board's approval of the petition request, the city clerk orders the election and gives notice to the county clerk, who conducts the election within the city limits.

Conduct of the Election. It is the county's legal responsibility to conduct and pay for the election within the city that is proposed to be added to the library district. [See I.C. § [34-1411](#).] All notices of the election must be given in accordance with general election laws of the state of Idaho, and the election conducted according to those laws. [See § [34-1401](#).]

The ballot must contain the wording:

Shall {city name} become part of the {district name} Public Library District--Yes

Shall {city name} become part of the {district name} Public Library District--No

each followed by a box in which the elector can mark her/his choice. A [sample ballot](#) has been provided.

It is a good idea for the Working Group representatives who have been working with the city clerk to stay in touch with the clerk throughout the election process and to monitor the various election processes that need to be completed.

Getting Out the Vote. One of the most important public relations activities is to prepare to get out the vote on election day. Lists of supporters who have indicated their support for the library district should be kept. If possible, these voters should be listed by precinct or voting place.

On election days, volunteers can then contact these voters to remind them to vote and to give them information about voting hours and their voting place. Shut-ins and others who need assistance should be offered help in obtaining absentee ballots or rides to the polls. If the election is not being held during a general election, it is vital to get out supportive voters, since relatively few voters will vote. Thus, a small number of voters can make a big difference in this kind of election.

Results Notification and the Order Amending District Boundaries. After receiving the certification of results of the election from the county clerk, the city clerk informs the city council of the results. The city council then notifies the district library board and the county commissioners of all affected counties of the results of the city election. If the electors have voted for the city to join the district, the county commissioners of the home county issue an order amending the district boundaries, which includes a map drawn in a draftsmanlike manner. A copy of this order is sent to the library board, to the county commissioners of the county in which the petition arose, and the Board of Library Commissioners.

Board of Library Commissioners
Idaho Commission for Libraries
325 W. State Street
Boise, ID 83702

The library board sends a copy of the order to the county recorder, the county assessor of the home county of the district, and Idaho State Tax Commission “in a timely manner, but no later than December 15 of the year in which the election was held.” [See I.C. § [33-2705](#).]

Adding Untaxed Territory by Petition

Based on I.C. § [33-2708](#) with references to §§ [33-2704](#), [33-2707](#)

I.C. § [33-2708](#) provides an alternative way of adding territory that does not include an existing tax-supported library to a library district. This is done by petition. Because the petition requires the signatures of 60% of the qualified electors in the area to be added to the district, this option should be considered when the area to be added has a relatively small population.

Multiple County Districts. If the district extends into more than one county, the home county of the existing district will continue as the home county for the expanded district. However, the county in which the petition arose will hold the hearing. When they have approved the district expansion, the home county commissioners make the order amending the boundaries of the district.

The tasks that need to be carried out to add territory by petition are as follows:

- First, a legal description and draftsmanlike map of the new area needs to be created.
- Second, the Working Group must determine the number of signatures it will need on the petitions to get the required 60% of the qualified electors.
- Third, a petition procedure must be carried out in the area to be added to the district.
- Fourth, the board of trustees of the existing library district must approve the petition and notify the county commissioners for the county in which the petition arose that they have done so.
- Fifth, the county commissioners hold a hearing on the petition.
- Sixth, the county commissioners approve the addition to the district.
- Seventh, the home county commissioners enter an order amending the district's boundaries.

Task Number One: Legal Descriptions and Maps

As the Working Group moved through the planning process, it made a decision about what territory would be included in the district expansion. As the group plans for a petition drive, it is also necessary to make a very exact, legal description of both the expansion area and the new district. These legal descriptions, along with very exact maps — *draftsmanlike*, according to I.C. § [33-2704](#) — will be needed to carry out a petition drive and then they will be needed to send to the Idaho State Tax Commission, so the territory added to the district can be placed on the tax rolls.

There are multiple ways in which you may be able to obtain legal descriptions and maps of the proposed annexation and new district boundaries.

- If the annexation is based on the boundary lines of an existing local governmental unit, such as a county or a school district, you can usually use the legal description and map of this existing taxing district. (Check with the Idaho State Tax Commission to see if they consider the existing district's legal description to be adequate, as some older district descriptions may not be considered acceptable.)
- If you are using voter precinct lines, counties will have a map, but they are not required to have a legal description. (Check with your county clerk to see if a legal description of the precinct boundaries is available.)
- The county assessor or engineer may be able to help you create a legal description and draftsmanlike map of the new district.
- You can hire an engineering or surveying firm to provide you with a legal description and map.

If you are going to prepare your own legal description, here are some tips:

- The legal description is the description of a line on a map that encloses the territory to be included in the district. The line has a beginning point, and it will return to that beginning point. Thus, the description will begin with “Beginning at...” and it will end with “...to the point of beginning.”
- In following land survey lines, the actual or approximate distance is always noted between two points, and the point arrived at is accurately described.
- If you are following any line, such as a township line, that has a jog in it, be sure to specify that you are following that specific line.
- If the line follows a river bank boundary, be sure to specify the most recent meander line survey as your authority for the river bank.
- Do not use “center of stream channel” as a boundary line in your description, even though it may be the county boundary line description in Idaho code.
- Cities or other areas within a district that will not be included should be described with a legal description, not just by name.
- If an unincorporated part of the county is surrounded by a city area that is not included in the district, make sure to say that this area is excluded in the legal description of the district. [To be part of the district, it must be contiguous with the district. [See I.C. § [33-2703\(2\)](#).]

If you are going to prepare your own draftsmanlike map of the district, here are some tips:

- Use a tax code area map. These should be available from your county clerk.
- Be sure that the map and legal description accurately agree, insofar as the scale allows.
- Be sure that the district line has the designated “point of beginning” with an arrow on the map.
- Be sure that the beginning point is clearly described, and that the boundary returns to that point along clearly described lines.
- The map should have explanatory notes, *e.g.*, “crosshatched areas are not included.”

Sample legal descriptions and corresponding maps have been included.

To assure that the legal description and map are acceptable to the [Idaho State Tax Commission](#), contact their **Geographic Information Services** at 208-334-7721.

Task Number Two: Determine the Required Number of Signatures

To find out the number of signatures that will be required for a successful petition drive, the Working Group should contact the county clerk. Ask the clerk to provide you with the total number of registered voters in the area to be added to the district. The total number of signatures that will be required will be 60% of this total.

Task Number Three: Creating and Circulating Petitions

In order for the new territory to be added to the district, petitions with the signatures of at least 60% of the qualified electors from that territory must be presented to the district library board and the county commissioners. It is best to get as many signatures on the petitions as possible, partly to avoid problems if some names are disqualified, and partly as a show of support for the district.

The requirements for the petition process are found in I.C. § [33-2704](#). Petitions must be verified by a qualified elector, and the verification must be made before a notary public. [A sample form for the petitions](#) has been included. In addition to explaining the issue at the top of the petition, there should be room at the bottom for the verifying signature of the petition carrier and the necessary information, signature, and seal of the notary public. Because there will be no election in this process, it is vital that the form of the petitions be completely legal. It is therefore highly recommended that the petitions be checked by the library district's attorney, and if possible by the county's attorney, before they are passed for signatures.

Petition carriers should be active supporters for the library district expansion and live in the territory that will be added to the district. It helps if they are property owners, have good standing in the community, and understand the issues and process involved in creating a library district. If possible, a meeting to train carriers should be held, in which both the library issues and the petitioning process are explained.

At a minimum, good written and oral instructions for petition carriers need to be provided. Petition carriers need to be given these instructions to assure that the petitions will be correct and legal, and also so that the petition process acts as a good public relations tool for the district.

Here are some good instructions for petition carriers:

- A petition carrier must be a registered voter within the proposed district.
- Each petition signer must be a registered voter within the proposed district. If a potential signer is not sure whether he or she is a registered voter, it is best not to have him or her sign the petition, until residency can be verified.
- Each petition signer must include her or his entire address, including city in Idaho and zip code.
- A petition carrier may ask for the signer's telephone number, but this is optional. The carrier must explain that signers do not have to give a telephone number and that telephone numbers will only be used to remind the signer of the hearing and to vote at the election. The same goes for e-mail addresses.
- Each petition carrier should sign his or her own petition on one of the signers' lines as well as making the notarized signature at the bottom of the petition.
- A petition carrier should not allow anyone to sign for a spouse.
- A petition carrier should not promise anything about tax levies but should refer the question to the Working Group's financial committee.
- A petition carrier should inform the signers of the hearing process and ask the signers to attend the hearing.
- Each petition carrier must write her or his verifying signature at the bottom of the petition in the presence of a notary public and have her or his signature notarized. All names on the petition will be invalidated if the petition is not notarized. Notary publics are available at county courthouses, city halls, banks, and other locations where public business is transacted. Many notaries will donate this service.
- All petitions need to be turned in by a certain date. Make sure that petition carriers understand how important it is to get petitions back on time.

Petitions should be turned in to the district project coordinator or Working Group rather than directly to the county clerk. This allows the petitions to be checked for flaws and corrections made, if necessary, before they are turned in officially.



Task Number Four: Approval by the District Library Board

This should be a routine step. The district board, which should have been involved in the districting process from the beginning, should be aware that the petitions will be submitted to the board, and approval should have been cleared long before the petitions were passed. The board simply approves the petition and then notifies the county commissioners in the county or counties affected. Approval of the petition may take place at a regular board meeting, or it may be approved at a special meeting and be used as a media event. If you decide to use the special meeting option, make sure that you follow the provisions of Idaho's [Open Meetings Law](#) for special meetings.

Reality Check

If, for some reason, the library board does not approve the petitions, the process stops at this point.

Task Number Five: The Hearing with the County Commissioners

As part of the planning process, the Working Group should have already discussed the hearing process with the county clerk and county commissioners. A timetable for the hearing process should have been discussed as part of this conversation. It is also a good idea to give the county clerk a copy of the law governing the process. [See I.C. §§ [33-2704](#) and [33-2708](#).]

When the petitions have been approved by the district library board, the board notifies the county commissioners of the county in which the petition arose. You will need to [contact the county clerk](#) to be placed on the agenda.

Hearing Date. After the petitions have been presented and the district board has notified the county commissioners of its approval, the county commissioners are required by law to set a time and place for a hearing. The hearing can be part of a regularly scheduled county commission meeting. It must take place no less than three (3) and no more than six (6) weeks after the petitions have been presented. [See I.C. § [33-2704\(2\)](#).]

Hearing Notices. The county commissioners must announce the hearing in a newspaper of general circulation once a week for two (2) weeks prior to the hearing.

The Hearing Itself. A public hearing is an opportunity for the public to speak about an issue that concerns them, usually followed by a decision made by a public board. Idaho Code allows the public to comment on the following issues regarding the formation of the library district:

- the form of the petition
- the genuineness of signatures
- the legality of the proceedings
- any other matters in regard to the creation of the district.

Hearings may be quite formal, where speakers must sign up at the beginning of the meeting, and each person is only allowed to speak once. Or they may be informal where people can speak back and forth on the issue. Find out how your county commissioners customarily conduct hearings and prepare accordingly.

It is usual for people who oppose the district to attend and speak at the hearing. Since the hearing will normally be covered by the press, it is vital that the proponents of the district attend and speak at the hearing as well.

Here are some hints about how to make a good impression at the hearing.

- If possible, ask community leaders to be present and speak in favor of the district.
- Put together a team of speakers to address different issues.
- Even if people do not wish to speak, ask them to come to the hearing. Then have one of your speakers ask all in favor of the district to stand up. (It is impressive when most of the crowd stands at this request.)
- Anticipate the arguments that will be made against the district and plan on answering them.
- If people are only allowed to talk once, ask that your most knowledgeable speakers be allowed to present last, so they can answer any arguments against the district.

Task Number Six: Approval of the County Commissioners

No more than ten (10) days after the hearing, the county commissioners are required to make an order regarding adding the territory to the library district. In making this order, the county commissioners may modify the boundaries of the addition. I.C. § [33-2708](#) implies that the county commissioners have the right to disapprove the proposal, as well. However, modifications or disapproval of the proposal can be made only in accordance with the “declared public policy of the state of Idaho” [see I.C. § [33-2701](#)] or for technical errors in the petitions. If the Working Group has been communicating with the county commissioners throughout the petition process, there probably will be no surprises at this point in the process. If the county commissioners change the boundaries in a way that is unsatisfactory, or if they disapprove the addition of the territory, contact the Idaho Commission for Libraries to discuss available options.

Task Number Seven: The Order to Amend the District Boundaries

When the county commissioners in the county where the petition arose have approved the addition of the territory to the library district, the county commissioners of the home county of the district are required to enter an order, including a map drawn in a draftsmanlike manner, amending the district's boundaries and to send that order to the other county boards of commissioners that are affected, to the library district's board of trustees, and to the Board of Library Commissioners.

The board of trustees of the library district is required to send a copy of the order to the county recorder, the county assessor of the home county, and the Idaho State Tax Commission "in a timely manner," but no later than December 15 in the year that the order was granted.

Reality Check

[33-2701](#). *PURPOSE AND POLICY. It is hereby declared to be the policy of the state of Idaho, as part of the provisions for public education, to promote the establishment and development of public library service for all the people of Idaho. By so declaring, the state acknowledges that the ability of its citizens to access information has a critical impact on the state's educational success, economic development, provision for an informed electorate, and overall quality of life. It is the purpose of this chapter to integrate, extend and add to existing library services and resources so that public library service may be available to all residents of the state from infancy through adulthood, beginning in the formative years and continuing for lifelong learning.*

Consolidation of Existing Library Districts

Based on I.C. § [33-2711](#) with references to § [33-2704](#)

Two or more library districts that have at least one common boundary may consolidate by a petition of the library district boards to the county commissioners of the affected counties.

This is accomplished by carrying out the following tasks:

- First, a legal description and draftsmanlike map of the area covered by the consolidated district needs to be created.
- Second, the boards of the consolidating districts need to meet and approve the consolidation.
- Third, the boards of the existing districts need to petition the county commissioners in the affected counties.
- Fourth, the county commissioners must hold a hearing on the petition for consolidation.
- Fifth, the county commissioners in all counties affected must approve the new name and boundaries of the consolidated district.

Task Number One: Legal Descriptions and Maps

Creating a legal description and map of the district consolidation should be comparatively easy, since the existing districts will already have legal descriptions and maps. It is therefore a relatively simple matter to create a new legal description by using the outside boundaries of the existing districts when they are combined. Similarly, maps can be redrawn to show the districts as a consolidated unit.

Sample legal descriptions and corresponding maps are available.

To assure that the legal description and map are acceptable to the Idaho State Tax Commission, contact their **Geographic Information Services** at 208-334-7721. Allow a minimum of six weeks for this review.

Task Number Two: District Library Boards Meet to Approve Consolidation

Once the planning for a new district has been completed, the library boards of the districts to be consolidated must meet to give their formal approval of the proposed consolidation. This meeting should be the culmination of several meetings between the boards in which the details of the consolidation are worked out. At this meeting, or at separate board meetings, each of the boards must separately approve the consolidation. Approval must be made by a majority vote of all the participating library boards. All joint meetings of the boards are public meetings and therefore must meet the advertising requirements of Idaho's [Open Meetings Law](#).

In planning the board approval of the consolidation, consideration should be given to timing. It is best for the consolidation to occur between October 1st and November 1st. This allows the consolidated district to receive tax revenues from its component districts for its first year of operation and gives it plenty of time to inform the Idaho State Tax Commission of its consolidated status in time to receive tax revenue for the following fiscal year.

Task Number Three: Preparing, Signing, and Delivering the Petition

When the boards meet, a petition asking the county commissioners of all affected counties to approve the consolidation of the districts needs to be prepared. The petition requires the following information:

- The names of the existing districts
- The boundaries of the existing districts
- The request for a new consolidated district to be formed
- The name for the proposed district. The name should describe the territory of the proposed district, followed by the words “Public Library District.”
- The boundaries of the proposed district
- Spaces for the signatures of the board chairpersons.

To assure that the form of the petition will meet any legal challenge, it is recommended that the petition be checked by the library district’s attorney and if possible by the county’s attorney.

When the petition is approved by all the participating boards, it must be signed by the chairpersons of each participating board. [A sample petition](#) has been provided.

The petition is then sent to the county clerk(s) of all counties affected by the consolidation.

Task Number Four: The Hearing(s) with the County Commissioners

When the county clerk receives the petition, he or she is required to verify the signatures and to file the petition. Hearings must be held in each affected county. As part of the planning process, library district representatives should have already discussed the hearing process with the clerk(s) and the commissioners. A timetable for the hearing process should have been discussed as part of this conversation. It is also a good idea to give the county clerk(s) and the commissioners. A timetable for the hearing process should have been discussed as part of this conversation. It is also a good idea to give the county clerk(s) a copy of the law governing the process. [See I.C. [33-2704](#) and [33-2711](#).]

Hearing Date. After the petitions have been presented, the county commissioners in each affected county are required by law to set a time and place for a hearing. The hearing can be part of a normal county commission meeting. It must take place no less than three (3) and no more than six (6) weeks after the petitions have been presented.

Hearing Notice. The county commissioners must announce the hearing in a newspaper of general circulation once a week for two (2) weeks prior to the hearing.

The Hearing Itself. A public hearing is an opportunity for the public to speak about an issue that concerns them, usually followed by a decision made by a public board. Idaho Code allows the public to comment on the following issues regarding the formation of the library district:

- the form of the petition
- the genuineness of signatures
- the legality of the proceedings and any other matters in regard to the creation of the district

Hearings may be quite formal, where speakers must sign up at the beginning of the meeting, and each person is only allowed to speak once. Or they may be informal where people can speak back and forth on the issue. Find out how the county commissioners in each affected county normally conduct hearings and prepare accordingly.

If people oppose the consolidation of the districts, they can be expected to attend and speak at the hearing(s). This is especially the case since no election on the consolidation is required. Since the hearing(s) will normally be covered by the press, it is vital that the proponents of the district attend and speak at the hearing(s) as well.

Here are some hints about how to make a good impression at the hearing(s):

- If possible, ask community leaders to be present and speak in favor of the district.
- Put together a team of speakers to address different issues.
- Even if people do not wish to speak, ask them to come to the hearing. Then have one of your speakers ask all in favor of the district stand up. (It is impressive when most of the crowd stands at this request.)
- Anticipate the arguments that will be made against the district and plan on answering them.
- If people are only allowed to talk once, ask that your most knowledgeable speakers be allowed to present last, so they can answer any arguments against the district.

Issues that may be raised if there is opposition to the consolidation are:

- The consolidation may lead to a tax increase on the residents of one or more of the existing districts.
- Questions about whether the residents of the consolidated district will be responsible for the bonded indebtedness of one of the existing districts. I.C. § [33-2710\(4\)](#) prohibits the debt of one district to be applied to the total consolidated district. The debt remains only on the property on which it was obligated.
- Questions about local autonomy and control.

In preparing for the hearing, such questions should be anticipated.

Task Number Five: Approval of the County Commissioners

No more than ten (10) days after the hearing the county commissioners of each county affected by the consolidation are required to make an order regarding the consolidation of the library districts. I.C. § [33-2711](#) states: “Upon completion of the hearing, the board of county commissioners shall issue an order granting the petition.” In other words, the county commissioners do not have the right to stop the consolidation. The order shall certify the new boundaries and the name of the district.

Copies of the county commissioners’ order(s) granting the petition must be sent to each library board involved in the consolidation and to the Board of Library Commissioners.

The board of the consolidated library district is required to send a copy of the order(s) including a map prepared in a draftsmanlike manner to the boards of county commissioners, the county recorder, the county assessor of the home county, the Board of Library Commissioners, and the Idaho State Tax Commission. This must be done “in a timely manner,” but no later than December 15 in the year in which the consolidation takes place.

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