SAMPLE BALLOT

CONSTITUTIONAL AMENDMENT

GENERAL ELECTION, NOVEMBER 8, 2016

LEWIS COUNTY, IDAHO

INSTRUCTIONS TO VOTERS: To vote on the following, mark a cross (X) in the square at the right of "Yes" or "No".

HJR 5

"Shall Article III, of the Constitution of the State of Idaho be amended by the addition of a new Section 29, to provide that the Legislature may review any administrative rule to ensure it is consistent with the legislative intent of the statute that the rule was written to interpret, prescribe, implement or enforce; to provide that, after review, the Legislature may approve or reject, in whole or in part, any rule as provided by law; and to provide that legislative approval or rejection of a rule is not subject to gubernatorial veto under Section 10, Article IV, of the Constitution of the State of Idaho?"

YES ☐

NO ☐

LEGISLATIVE COUNCIL'S STATEMENT OF MEANING, PURPOSE, AND RESULT TO BE ACCOMPLISHED

Meaning, Purpose and Result to be Accomplished

The Legislature writes the laws of the state under which the state agencies adopt agency rules. By statute, agencies make rules that only interpret and implement these laws, and the legislature reserves the authority to review and reject agency rules if a rule is contrary to the intent of the law.

The Legislature's ability to approve or reject agency rules is an important aspect of the separation of powers, because these rules have the force and effect of law. The Legislature currently oversees that rulemaking process by accepting or rejecting agency rules. The proposed amendment confirms and protects the Legislature's practice to authorize agency rulemaking, and to accept or reject agency rules.