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February 26, 1985

The Honorable Pamela I. Bengson
Idaho House of Representatives
STATEHOUSE MAIL

THIS IS NOT AN OFFICIAL ATTORNEY GENERAL OPINION,
AND IS SUBMITTED SOLELY TO PROVIDE LEGAL GUIDANCE

Re: Senate Bill 1105

Dear Representative Bengson:

You have requested legal guidance concerning the meaning of the phrase "state candidate" in Senate Bill 1105. Specifically you request guidance as to which state elected offices would be included within the meaning of "state candidate" as proposed in § 34-707A. Our conclusion is that a "state candidate" as proposed includes only candidates for state-wide political office and does not include "district candidates" such as those seeking election to the Idaho Legislature.

Chapter 7 of title 34 distinguishes between candidates for district and state office. For example, in Idaho Code § 34-705 it is provided that "all candidates for district, state, and federal offices shall file their declaration of candidacy with the Secretary of State." (emphasis added) In Idaho Code § 34-706 a distinction is drawn between "legislative candidates" and "candidates who have filed for federal and state offices." Therefore, within the context of chapter 7 of title 34 "state candidates" are those candidates who run for state-wide office and who would be selected by the state central committee in the event of a vacancy, as opposed to the legislative district central committee in cases of a legislative vacancy. See Idaho Code § 34-715.

Further our interpretation of the phrase "state candidate" is consistent with the practice of the Idaho Secretary of State's office and with their interpretation and application of the law. As you know, administrative interpretations of the law by the agency entrusted with their enforcement is entitled to considerable weight. See State of Idaho v. Kleppe, 417 F.Supp. 873 (D.C. Idaho 1973). In summary it would appear that "state candidates" as used in S.B. 1105 would apply only to candidates for a state-wide office. If there is anything further we can provide, please advise.

Very truly yours,



PATRICK J. KOLE
Chief, Legislative and
Public Affairs Division

PJK/tg