

SUMMARY STATEMENT

Docket No. 51263
Sánchez v. City of Boise

Lisa Sánchez, a former member of the Boise City Council, was removed from office after she unintentionally moved out of her residence in District 3, the district she was elected to represent. Sánchez promptly moved back into a residence within District 3 and applied to be re-appointed to her City Council seat. When Mayor Lauren McClean appointed someone else to fill the vacancy, Sánchez filed a lawsuit against the City of Boise. In response, the City filed a motion for judgment on the pleadings, which the district court granted.

After judgment was entered against her, Sánchez appealed to the Idaho Supreme Court. She argued the district court erred in three ways. First, she argued the district court erroneously concluded that Idaho Code section 59-901(1)(e) applies to cities since it only specifies that it applies to the “state, district or county” where an elected officials’ duties are to be exercised. Second, she maintained that Idaho Code section 59-901(1)(e) should be read to include an element of intent; thus, absent proof that she intended to reside outside of District 3, she did not vacate her seat. Lastly, Sánchez argues that the district court failed to address her due process argument.

The Idaho Supreme Court affirmed the district court’s entry of judgment on the pleadings. The Court held that Idaho Code section 59-901(1)(e) plainly applied to Sánchez’s City Council district seat since the statute explicitly applies to “every civil office.” Moreover, the statute’s use of “district” was not a limitation of what type of political subdivisions the statute applies to, but a geographic reference designating an area of jurisdiction. Next, the Court held that Sánchez’s intent to move out of District 3 was irrelevant because section 59-901(1)(e) is “self-executing,” meaning that it took effect automatically once Sánchez changed her place of residence. Lastly, the Court agreed with the district court that Sánchez’s due process rights were not violated because she forfeited any interest in her position when she moved outside of her district boundaries. Thus, any potential property interest Sánchez may have had in her elected seat was lost “as a result of her own actions”—not because the City denied her due process.

******This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.******