

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature Second Regular Session - 2012

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 428

BY CHEW

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-1002, IDAHO CODE, TO PROVIDE THAT AN ELECTOR MAY ELECT TO HAVE AN ABSENTEE BALLOT SENT TO HIS OR HER RESIDENCE ON A PERMANENT BASIS BY SIGNING A FORM SUPPLIED TO THE COUNTY CLERK, TO PROVIDE THAT IF SUCH ELECTION IS MADE THE ELECTOR SHALL RECEIVE AN ABSENTEE BALLOT FOR ALL ELECTIONS CONDUCTED BY THE COUNTY CLERK AND SHALL BE INELIGIBLE TO VOTE AT THE POLLS IN SUCH ELECTION AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 34-1002, Idaho Code, be, and the same is hereby amended to read as follows:

34-1002. APPLICATION FOR ABSENTEE BALLOT -- PRIMARY ELECTIONS. (1) Any registered elector may make written application to the county clerk, or other proper officer charged by law with the duty of issuing official ballots for such election, for an official ballot or ballots of the kind or kinds to be voted at the election. The application shall contain the name of the elector, the elector's home address, county, and address to which such ballot shall be forwarded. An elector may elect to have an absentee ballot sent to his or her residence on a permanent basis by signing a form supplied to the county clerk. If such election is made, the elector shall receive an absentee ballot for all elections conducted by the county clerk and shall be ineligible to vote at the polls in such election.

(2) In order to provide the appropriate primary election ballot to electors, in the event a political party elects to allow unaffiliated electors to vote in that party's primary election pursuant to section 34-904A, Idaho Code, the elector shall designate, as part of the written application for a ballot for primary elections, the elector's party affiliation or designation as "unaffiliated." The application shall contain checkoff boxes for "unaffiliated" electors by which such electors shall indicate for which party's primary ballot the "unaffiliated" elector chooses to vote. Provided however, that no political party's primary election ballot shall be provided to an "unaffiliated" elector for a political party that has not elected to allow "unaffiliated" electors to vote in that political party's primary election pursuant to section 34-904A, Idaho Code. If an "unaffiliated" elector does not indicate a choice of political party's primary election ballot, the elector shall receive a nonpartisan ballot.

(3) In order to provide the appropriate primary election ballot to electors, in the event one (1) or more political parties elect to allow electors affiliated with a different political party to vote in that party's primary election, the application shall contain checkoff boxes by which such electors may indicate the primary ballot in which the elector wishes to vote.

1 (4) For electors who are registered to vote as of January 1, 2012, and
2 who remain registered electors, the elector shall designate, as part of
3 the written application for a ballot for the 2012 primary elections, the
4 elector's party affiliation or designation as "unaffiliated." The appli-
5 cation shall contain checkoff boxes for "unaffiliated" electors by which
6 such electors shall indicate for which party's primary election ballot the
7 "unaffiliated" elector chooses to vote, pursuant to section 34-904A, Idaho
8 Code. Provided however, that no political party's primary election ballot
9 shall be provided to an "unaffiliated" elector for a political party that has
10 not elected to allow "unaffiliated" electors to vote in the party's primary
11 election pursuant to section 34-904A, Idaho Code. If an "unaffiliated"
12 elector does not indicate a choice of political party's primary election
13 ballot, the elector shall receive a nonpartisan ballot. After the 2012
14 primary election, the county clerk shall record the party affiliation or
15 "unaffiliated" designation so selected on the application for an absentee
16 ballot as part of such an elector's record within the voter registration
17 system as provided for in section 34-437A, Idaho Code.

18 (5) After the 2012 primary election, electors who remain registered
19 voters and who did not vote in the 2012 primary elections and who make written
20 application for an absentee ballot shall be designated as "unaffiliated"
21 electors as provided in section 34-404, Idaho Code, and such electors shall
22 be given the appropriate ballot for such "unaffiliated" designation pur-
23 suant to the provisions of this act.

24 (6) An elector may not change party affiliation or designation as "un-
25 affiliated" on an application for absentee ballot. For primary elections,
26 an elector may change party affiliation or designation as "unaffiliated" as
27 provided for in section 34-411A, Idaho Code.

28 (7) The application for an absent elector's ballot shall be signed
29 personally by the applicant. The application for a mail-in absentee ballot
30 shall be received by the county clerk not later than 5:00 p.m. on the sixth
31 day before the election. An application for in person absentee voting at the
32 absent elector's polling place described in section 34-1006, Idaho Code,
33 shall be received by the county clerk not later than 5:00 p.m. on the Fri-
34 day before the election. Application for an absentee ballot may be made by
35 using a facsimile machine or other electronic transmission. In the event a
36 registered elector is unable to vote in person at the elector's designated
37 polling place on the day of election because of an emergency situation which
38 rendered the elector physically unable, the elector may nevertheless apply
39 for an absent elector's ballot on the day of election by notifying the county
40 clerk. No person may, however, be entitled to vote under an emergency situa-
41 tion unless the situation claimed rendered the elector physically unable to
42 vote at the elector's designated polling place within ninety-six (96) hours
43 prior to the closing of the polls.

44 (8) A person may make application for an absent elector's ballot by use
45 of a properly executed federal post card application as provided for in the
46 laws of the United States known as uniformed and overseas citizens absentee
47 voting act (UOCAVA, 42 U.S.C. 1973 ff, et seq., as amended). The issuing of-
48 ficer shall keep as a part of the records of such officer's office a list of
49 all applications so received and of the manner and time of delivery or mail-
50 ing to and receipt of returned ballot.

1 (9) The county clerk shall, not later than seventy-five (75) days af-
2 ter the date of each general election, submit a report to the secretary of
3 state containing information concerning absentee voters as required by fed-
4 eral law.