IN THE SENATE

SENATE BILL NO. 1408

BY STATE AFFAIRS COMMITTEE

1   AN ACT
2   RELATING TO ABSENTEE BALLOTS; AMENDING SECTION 34-1002, IDAHO CODE, TO
3   REVISE PROCEDURES FOR APPLICATION FOR ABSENTEE BALLOTS AND TO MAKE
4   TECHNICAL CORRECTIONS; AND AMENDING SECTION 34-1003, IDAHO CODE, TO
5   REVISE PROCEDURES FOR ISSUANCE OF ABSENTEE BALLOTS.

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

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

9   34-1002. APPLICATION FOR ABSENTEE BALLOT. Any registered elector
10 may make written application to the county clerk, or other proper officer
11 charged by law with the duty of issuing official ballots for such election,
12 for an official ballot or ballots of the kind or kinds to be voted at the
13 election. The application shall contain the name of the elector, his home
14 address, county, and address to which such ballot shall be forwarded.
15   The application for an absent elector's ballot shall be signed
16 personally by the applicant. The application for a mail-in absentee ballot
17 shall be received by the county clerk not later than 5:00 p.m. on the sixth
18 day before the election. An application for in person absentee voting at the
19 absent elector's polling place described in section 34-1006, Idaho Code,
20 shall be received by the county clerk not later than 5:00 p.m. on the ~~day~~
21 Friday before the election. Application for an absentee ballot may be made
22 by using a facsimile machine or other electronic transmission. In the event
23 a registered elector is unable to vote in person at his designated polling
24 place on the day of election because of an emergency situation which rendered
25 him physically unable, he may nevertheless apply for an absent elector's
26 ballot on the day of election by notifying the county clerk. No person,
27 may, however, be entitled to vote under an emergency situation unless the
28 situation claimed rendered him physically unable to vote at his designated
29 polling place within ~~forty-eight~~ ninety-six (~~48~~96) hours prior to the
30 closing of the polls.
31   A person may make application for an absent elector's ballot by use of
32 a properly executed federal ~~postcard~~ post card application as provided for
33 in the laws of the United States known as ~~U~~uniformed and ~~O~~overseas ~~C~~citizens
34 ~~A~~absentee ~~V~~voting ~~A~~act (UOCAVA, 42 U.S.C. 1973 ff, et seq.). ~~A properly~~
35 ~~executed federal postcard application (F.P.C.A.), shall be considered as~~
36 ~~a request for an absent elector's ballot through the next two (2) regularly~~
37 ~~scheduled general elections for federal office following receipt of the~~
38 ~~application.~~ The issuing officer shall keep as a part of the records of his
39 office a list of all applications so received and of the manner and time of
40 delivery or mailing to and receipt of returned ballot.
41   The county clerk shall, not later than seventy-five (75) days after the
42 date of each general election, submit a report to the secretary of state

1 containing information concerning absentee voters as required by federal
2 law.

3 SECTION 2. That Section 34-1003, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 34-1003. ISSUANCE OF ABSENTEE BALLOT. Upon receipt of an application
6 for an absent elector's ballot within the proper time, the county clerk
7 receiving it shall examine the records of his office to ascertain whether or
8 not such applicant is registered and lawfully entitled to vote as requested
9 and, if found to be so, he shall arrange for the applicant to vote by absent
10 elector's ballot. The absentee ballot may be delivered to the absent elector
11 in the office of the county clerk, by postage prepaid mail or by other
12 appropriate means, including use of a facsimile machine or other electronic
13 transmission. Validly requested absentee ballots, where the request is
14 received at least forty-five (45) days before an election, shall be sent not
15 later than forty-five (45) days before that election to all electors who are
16 entitled to vote by absentee ballot.
17 Pursuant to the uniformed and overseas citizens absentee voting act
18 (UOCAVA, 42 U.S.C. 1973 ff, et seq., as amended) the secretary of state shall
19 establish procedures for the transmission of blank absentee ballots by mail
20 and by electronic transmission for all electors who are entitled to vote by
21 absentee ballot under the uniformed and overseas citizens absentee voting
22 act, and by which such electors may designate whether the elector prefers the
23 transmission of such ballots by mail or electronically. If no preference
24 is stated, the ballots shall be transmitted by mail. The secretary of state
25 shall establish procedures for transmitting such ballots in a manner that
26 shall protect the security and integrity of such ballots and the privacy of
27 the elector throughout the process of transmission.
28 A political party may supply a witness to accompany the clerk in the
29 personal delivery of an absentee ballot. If the political party desires
30 to supply a witness it shall be the duty of the political party to supply
31 the names of such witnesses to the clerk no later than forty-five (45) days
32 prior to the election. The clerk shall notify such witnesses of the date and
33 approximate hour the clerk or deputy clerk intends to deliver the ballot.
34 A candidate for public office or a spouse of a candidate for public
35 office shall not be a witness in the personal delivery of absentee ballots.
36 An elector physically unable to mark his own ballot may receive
37 assistance in marking such ballot from the officer delivering same or an
38 available person of his own choosing. In the event the election officer
39 is requested to render assistance in marking an absent elector's ballot,
40 the officer shall ascertain the desires of the elector and shall vote the
41 applicant's ballot accordingly. When such ballot is marked by an election
42 officer, the witnesses on hand shall be allowed to observe such marking.
43 No county clerk, deputy, or other person assisting a disabled voter shall
44 attempt to influence the vote of such elector in any manner.