

IN THE SENATE

SENATE BILL NO. 1320

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING CHAPTER 1, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-112A, IDAHO CODE, TO PROVIDE FOR APPLICATIONS TO VOTE BY ABSENTEE BALLOT, TO REQUIRE ELECTORS' OATHS, TO PROVIDE FOR THE RETURN AND RECEIPT OF OATHS AND ABSENTEE BALLOTS, TO REQUIRE CERTAIN WRITTEN DESIGNATIONS TO BE PROVIDED WITH OATHS AND ABSENTEE BALLOTS, TO PROVIDE FOR TRANSMITTAL OF ABSENTEE BALLOTS, OATHS AND DESIGNATIONS BY THE SECRETARY OF THE DISTRICT TO ELECTION JUDGES, TO PROVIDE THAT ABSENTEE BALLOTS ARE SUBJECT TO CHALLENGE, TO PROVIDE THAT GENERAL ELECTION LAWS RELATING TO ABSENTEE BALLOTS SHALL NOT APPLY AND TO PROVIDE FOR APPLICABILITY OF SPECIFIED PROVISIONS.

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

SECTION 1. That Chapter 1, Title 43, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 43-112A, Idaho Code, and to read as follows:

43-112A. ABSENTEE BALLOTS -- AUTHORIZATION AND PROCEDURES. Any person requesting an absentee ballot must apply in person or in writing on a form created by the district to the secretary of the district to vote by absentee ballot in a particular election after the notice of election has been published for that election and no later than one (1) week before the election is held. The person requesting an absentee ballot must subscribe the elector's oath required by section 43-113, Idaho Code. The oath to accompany the absentee ballot may be subscribed before and administered by the secretary of the district, the judges and clerks authorized to administer oaths pursuant to section 43-207, Idaho Code, a notary public or any other person authorized by law to administer oaths, all of which are hereby authorized to administer the elector's oath required by section 43-113, Idaho Code, when submitted with an absentee ballot. The elector must return the oath with the absentee ballot. The oath and the absentee ballot both must be received by the secretary of the district on or before the close of the polls on the day of election before such ballot may be counted. For an entity voting under the provisions of section 43-119, Idaho Code, the written designations required under that section must also be provided along with the oath and absentee ballot for the ballot to be counted. The secretary shall transmit all absentee ballots, oaths and designations in a sealed envelope to the election judges for canvassing of returns. Absentee ballots are subject to challenge in the same manner as other votes are challenged. The provisions of the general election laws regarding absentee ballots shall not apply. This section shall not apply to elections in districts that have duly adopted the voting system set forth in subsection (2) of section 43-111, Idaho Code.