IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 75

BY STATE AFFAIRS COMMITTEE

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1                            AN ACT
2   RELATING TO ABSENTEE VOTING; AMENDING SECTION 34-1001, IDAHO CODE, TO RE-
3       VISE A PROVISION REGARDING REGISTERED ELECTORS WHO MAY VOTE BY ABSENTEE
4       BALLOT AND TO PROHIBIT MISREPRESENTATIONS; AMENDING SECTION 34-1002,
5       IDAHO CODE, TO REVISE PROVISIONS REGARDING REGISTERED ELECTORS WHO MAY
6       VOTE BY ABSENTEE BALLOT AND TO MAKE A TECHNICAL CORRECTION; AND DECLAR-
7       ING AN EMERGENCY.

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

9       SECTION 1.  That Section 34-1001, Idaho Code, be, and the same is hereby
10  amended to read as follows:

11      34-1001.  VOTING BY ABSENTEE BALLOT AUTHORIZED. (1) Any registered
12  elector of the state of Idaho may vote at any election by absentee ballot as
13  herein provided in this chapter if the elector is unable to appear at the
14  elector's polling place on election day during the hours of voting for any of
15  the following reasons:
16      (a)  The elector's active service with the armed forces of the United
17      States;
18      (b) The elector's illness, disability, or hospitalization;
19      (c) The elector is unable to appear at the polls on the day of the elec-
20      tion in order to work or attend university; or
21      (d) The elector is out of the county on the day of the election on a reli-
22      gious mission.
23      (2)  No person shall misrepresent the eligibility requirements for vot-
24  ing by absentee ballot set forth in subsection (1) of this section to any
25  elector or prospective absentee ballot applicant.  No elector shall misrep-
26  resent the elector's qualifying circumstances to any election official.

27      SECTION 2.  That Section 34-1002, Idaho Code, be, and the same is hereby
28  amended to read as follows:

29      34-1002.  APPLICATION FOR ABSENTEE BALLOT.
30      (1)(a)  A blank application to request an absentee ballot shall be sent
31      to any qualified elector upon the elector's request and may be made
32      available online.  No government official or other entity shall send an
33      absentee ballot application directly to any elector except upon the di-
34      rect request of the elector.  Applications may not be prefilled with the
35      elector's required information but must be completed by the elector.
36      (b)  Any registered elector qualified to vote by absentee ballot pur-
37      suant to section 34-1001, Idaho Code, may make written application to
38      the county clerk, or other proper officer charged by law with the duty
39      of issuing official ballots for such election, for an official ballot or
40      ballots of the kind or kinds to be voted at the election.  The applica-
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1 tion shall contain the name of the elector, the elector's home address,
2 county, and address to which such ballot shall be forwarded, <u>as well as</u>
3 <u>the circumstances set forth in section 34-1001, Idaho Code, that neces-</u>
4 <u>sitate the use of an absentee ballot</u>.
5 (2) In order to provide the appropriate primary election ballot to
6 electors, in the event a political party elects to allow unaffiliated elec-
7 tors to vote in that party's primary election pursuant to section 34-904A,
8 Idaho Code, the elector shall designate, as part of the written application
9 for a ballot for primary elections, the elector's party affiliation or des-
10 ignation as "unaffiliated." The application shall contain checkoff boxes
11 for unaffiliated electors by which such electors shall indicate for which
12 party's primary ballot the unaffiliated elector chooses to vote. Provided
13 however, that no political party's primary election ballot shall be provided
14 to an unaffiliated elector for a political party that has not elected to al-
15 low unaffiliated electors to vote in that political party's primary election
16 pursuant to section 34-904A, Idaho Code. If an unaffiliated elector does not
17 indicate a choice of political party's primary election ballot, the elector
18 shall receive a nonpartisan ballot.
19 (3) In order to provide the appropriate primary election ballot to
20 electors, in the event one (1) or more political parties elect to allow elec-
21 tors affiliated with a different political party to vote in that party's
22 primary election, the application shall contain checkoff boxes by which such
23 electors may indicate the primary ballot in which the elector wishes to vote.
24 (4) For electors who are registered to vote as of January 1, 2012, and
25 who remain registered electors, the elector shall designate, as part of
26 the written application for a ballot for the 2012 primary elections, the
27 elector's party affiliation or designation as "unaffiliated." The applica-
28 tion shall contain checkoff boxes for unaffiliated electors by which such
29 electors shall indicate for which party's primary election ballot the unaf-
30 filiated elector chooses to vote, pursuant to section 34-904A, Idaho Code.
31 Provided however, that no political party's primary election ballot shall
32 be provided to an unaffiliated elector for a political party that has not
33 elected to allow unaffiliated electors to vote in ~~the~~ <u>that</u> party's primary
34 election pursuant to section 34-904A, Idaho Code. If an unaffiliated elec-
35 tor does not indicate a choice of political party's primary election ballot,
36 the elector shall receive a nonpartisan ballot. After the 2012 primary elec-
37 tion, the county clerk shall record the party affiliation or unaffiliated
38 designation so selected on the application for an absentee ballot as part of
39 such an elector's record within the voter registration system as provided
40 for in section 34-437A, Idaho Code.
41 (5) After the 2012 primary election, electors who remain registered
42 voters and who did not vote in the 2012 primary elections and who make written
43 application for an absentee ballot shall be designated as unaffiliated elec-
44 tors as provided in section 34-404, Idaho Code, and such electors shall be
45 given the appropriate ballot for such "unaffiliated" designation pursuant
46 to the provisions of this act.
47 (6) An elector may not change party affiliation or designation as "un-
48 affiliated" on an application for absentee ballot. For primary elections,
49 an elector may change party affiliation or designation as "unaffiliated" as
50 provided for in section 34-411A, Idaho Code.

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1   (7) The application for an absent elector's ballot shall be signed
2 personally by the applicant. The application for a mail-in absentee bal-
3 lot shall be received by the county clerk not later than 5:00 p.m. on the
4 eleventh day before the election. An application for in-person absentee
5 voting at the absent elector's polling place described in section 34-1006,
6 Idaho Code, shall be received by the county clerk not later than 5:00 p.m. on
7 the Friday before the election. Application for an absentee ballot may be
8 made by using a facsimile machine or other electronic transmission.
9   (8) A person may make application for an absent elector's ballot by use
10 of a properly executed federal postcard application as provided for in the
11 laws of the United States known as uniformed and overseas citizens absentee
12 voting act (UOCAVA, 52 U.S.C. 20301 et seq., as amended). The issuing offi-
13 cer shall keep as a part of the records of such officer's office a list of all
14 applications so received and of the manner and time of delivery or mailing to
15 and receipt of returned ballot.
16   (9) The county clerk shall, not later than seventy-five (75) days af-
17 ter the date of each general election, submit a report to the secretary of
18 state containing information concerning absentee voters as required by fed-
19 eral law.

20   SECTION 3. An emergency existing therefor, which emergency is hereby
21 declared to exist, this act shall be in full force and effect on and after its
22 passage and approval.

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