

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 215

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO BALLOTS; AMENDING SECTION 34-217, IDAHO CODE, TO REVISE PROVI-
2 SIONS RELATING TO THE RETENTION OF CERTAIN ELECTION SUPPLIES; AMENDING
3 SECTION 34-901, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AN OFFI-
4 CIAL ELECTION STAMP AND TO ESTABLISH PROVISIONS RELATING TO OFFICIAL
5 ELECTION BALLOT IDENTIFICATION; AMENDING SECTION 34-908, IDAHO CODE,
6 TO REMOVE PROVISIONS RELATING TO A CERTAIN STAMP, TO ESTABLISH PROVI-
7 SIONS RELATING TO OFFICIAL ELECTION BALLOT IDENTIFICATION AND TO MAKE
8 TECHNICAL CORRECTIONS; AMENDING SECTION 34-910, IDAHO CODE, TO REMOVE
9 REFERENCE TO A CERTAIN STAMP AND INK PAD, TO ESTABLISH A PROVISION RE-
10 LATING TO OFFICIAL ELECTION BALLOT IDENTIFICATION AND TO MAKE TECHNICAL
11 CORRECTIONS; AMENDING SECTION 34-1103, IDAHO CODE, TO REMOVE REFERENCE
12 TO A CERTAIN STAMP AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SEC-
13 TION 34-1106, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO A CERTAIN
14 STAMP AND TO ESTABLISH A PROVISION RELATING TO OFFICIAL ELECTION BALLOT
15 IDENTIFICATION.
16

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

18 SECTION 1. That Section 34-217, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 34-217. RETENTION OF COUNTY ELECTION RECORDS. County election
21 records shall be maintained by the county clerk for the time periods outlined
22 in this section. Records shall be maintained for the period specified be-
23 ginning with the date the record is created or has become no longer valid,
24 whichever is greater.

25 (1) The following records shall be retained for not less than five (5)
26 years:

27 (a) Voter registration cards for electors whose registration has been
28 terminated.

29 (b) Combination election record and poll book.

30 (c) Declaration of candidacy.

31 (d) Maps of precinct boundaries with legal descriptions.

32 (e) List of absentee voters.

33 (2) The following shall be retained for two (2) years:

34 (a) Correspondence relating to an elector's voter registration.

35 (b) Completed absentee ballot request forms.

36 (c) Tally books.

37 (d) Voted ballots.

38 (e) Any ballots that were required to be duplicated before being
39 counted.

40 (3) The following shall be maintained for one (1) year:

41 (a) Absentee ballot affidavit envelopes.

42 (b) Notice of election.

- 1 (c) Personal identification affidavit.
 2 (d) Unvoted ballots from the primary election.
 3 (e) Ballot tracking logs.
 4 (f) Automated tabulation election logs.
 5 (g) Copy of the election definition and program used in tabulating bal-
 6 lots electronically and in the ballot marking device.
 7 (h) Record of the number of ballots printed and furnished to each
 8 polling place.

9 (4) Other election supplies including, but not limited to, unused bal-
 10 lots, official election ~~stamps~~ ballot identification and spoiled ballots
 11 may be disposed of sixty (60) days following the deadline for requesting a
 12 recount or filing an election contest pursuant to chapters 20 and 21, title
 13 34, Idaho Code.

14 SECTION 2. That Section 34-901, Idaho Code, be, and the same is hereby
 15 amended to read as follows:

16 34-901. OFFICIAL ELECTION ~~STAMP~~ BALLOT IDENTIFICATION. (1) The county
 17 clerk shall provide ~~for an that all election ballots are identified as~~ official
 18 ~~election stamp of such character or device, and of such material as the~~
 19 ~~board of county commissioners may select.~~ Each ~~stamp~~ ballot shall have upon
 20 its face the date and year of the election in which it is used and the words
 21 "Official Election Ballot."

22 (2) The clerk in a county that utilizes optical scan ballots shall en-
 23 sure that:

24 (a) The official election ballot identification is printed on each bal-
 25 lot issued; and

26 (b) Each ballot contains a unique marking to prevent duplication of of-
 27 official election ballots.

28 (3) The clerk in a county that utilizes paper or other ballots shall
 29 provide an official election stamp of such character or device and of such
 30 material as the board of county commissioners may select. In the event such
 31 stamp is lost, destroyed or unavailable upon election day, the distributing
 32 clerk shall initial each ballot and write "stamped" upon the ballot in the
 33 appropriate place.

34 SECTION 3. That Section 34-908, Idaho Code, be, and the same is hereby
 35 amended to read as follows:

36 34-908. EACH BALLOT TO CARRY OFFICIAL ELECTION ~~STAMP~~ BALLOT IDENTIFI-
 37 CATION ON OUTSIDE -- MARKING OF BALLOT BY VOTER. (1) Every ballot used at any
 38 primary, general or special election shall be ~~stamped~~ marked on the outside
 39 with the official election ~~stamp~~ ballot identification before it is given
 40 to the voter. At this time the election official distributing the ballots
 41 shall give the voter instructions in regard to folding the ballot after he
 42 has voted.

43 (2) The voter shall mark his ballot with a cross (X) or other mark suffi-
 44 cient to show his intent in the place provided after the name of the candidate
 45 for whom he intends to vote for each office.

46 (3) If a person votes by writing the name of a candidate on the ballot,
 47 such act shall constitute a vote for the person's name who appears without

1 the necessity of placing a mark after the name written on the ballot, unless
2 such a mark is required by a vote tally system.

3 SECTION 4. That Section 34-910, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 34-910. DUTY OF COUNTY CLERK TO FURNISH SUFFICIENT BALLOTS TO EACH
6 VOTING PRECINCT -- RECORD OF NUMBER OF BALLOTS PRINTED AND FURNISHED. (1) It
7 shall be the duty of the county clerk to furnish and cause to be delivered
8 a sufficient number of election ballots to the judges of elections of each
9 voting precinct. The ballots shall be delivered to the polling place within
10 the precinct on or before the opening of the polls for the election together
11 with the official ~~stamp and ink pad~~ election ballot identification in sealed
12 packages. Upon receipt of the ballots and supplies, the chief judge of elec-
13 tions or other designated judge must return a written receipt to the county
14 clerk.

15 (2) The county clerk shall keep a record of the number of ballots
16 printed and furnished to each polling place within the county and preserve
17 the same for one (1) year.

18 SECTION 5. That Section 34-1103, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 34-1103. OPENING BALLOT BOXES. (1) In the presence of bystanders the
21 judges of elections shall break the sealed packages of election ballots, ~~of-~~
22 ~~official stamp~~ and other supplies.

23 (2) Before receiving any ballots the judges shall open and exhibit,
24 close and lock the ballot boxes, and thereafter they shall not be removed
25 from the polling place until all ballots are counted. They shall not be
26 opened until the polls are closed unless the precinct is using a duplicate
27 set of ballot boxes.

28 SECTION 6. That Section 34-1106, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 34-1106. SIGNING COMBINATION ELECTION RECORD AND POLL BOOK -- DELIV-
31 ERY OF BALLOT TO ELECTOR. (1) An elector desiring to vote shall state his
32 name and address to the judge or clerk in charge of the combination election
33 record and poll book.

34 (2) Before receiving his ballot, each elector shall sign his name in
35 the combination election record and poll book following his name therein
36 and show a valid photo identification as provided for in section 34-1113,
37 Idaho Code, or personal identification affidavit as provided for in section
38 34-1114, Idaho Code.

39 (3) No person shall knowingly sign his name in the combination election
40 record and poll book if his residence address is not within that precinct at
41 the time of signing.

42 (4) If the residence address of a person contained in the combination
43 election record and poll book is incorrectly given due to an error in prepa-
44 ration of the combination election record and poll book, the judge shall as-
45 certain the correct address and make the necessary correction.

1 (5) The elector shall then be given the appropriate ballots which have
2 been ~~stamped~~ marked with the official election ~~stamp~~ ballot identification
3 and shall be given folding instructions for such ballots.